



Local Government Council

ACTION PACKET

Wednesday, March 22, 2006

1:00 P.M.

404 House Office Building

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

Summary:

Local Government Council

Wednesday March 22, 2006 01:00 pm

HJR 33 CS	Favorable With Committee Substitute	Yeas: 7 Nays: 0
HB 675 CS	Favorable	Yeas: 8 Nays: 0
HB 753 CS	Favorable	Yeas: 8 Nays: 0
HB 793	Favorable	Yeas: 8 Nays: 0
HB 821 CS	Favorable	Yeas: 8 Nays: 0
HB 951	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 973	Temporarily Deferred	
HB 979	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1023	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1137	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1187	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1189	Favorable	Yeas: 8 Nays: 0
HB 1203	Favorable	Yeas: 8 Nays: 0
HB 1205	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1207	Favorable	Yeas: 8 Nays: 0
HB 1219	Favorable	Yeas: 8 Nays: 0

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1253	Favorable	Yeas: 8 Nays: 0
HB 1299	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HB 1303	Favorable	Yeas: 8 Nays: 0
HB 1335	Favorable	Yeas: 8 Nays: 0
HB 1357	Favorable	Yeas: 8 Nays: 0
HB 1567	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HJR 1569	Favorable With Committee Substitute	Yeas: 8 Nays: 0
HJR 1571	Favorable	Yeas: 8 Nays: 0
HB 1609	Temporarily Deferred	

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ken Sorensen (Chair)	X		
Thomas Anderson	X		
Mike Davis	X		
Terry Fields	X		
D. Alan Hays	X		
Matthew Meadows	X		
Julio Robaina	X		
Yolly Roberson	X		
Totals:	8	0	0

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HJR 33 CS : Newly Established Homestead Property Assessments

<input checked="" type="checkbox"/> <i>Favorable With Committee Substitute</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson				X	
Ken Sorensen (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Bob McKee (Lobbyist) - Opponent
Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32301
Phone: 850-922-4300

John W. Smith (Lobbyist) - Opponent
Florida League of Cities
301 S Bronough Street
Tallahassee FL 32301
Phone: 850-222-9684

Ken Morris (Lobbyist) - Opponent
Leon County
301 S Monroe Street
Tallahassee FL 32301
Phone: 850-606-5300

Robert Wolfe (Lobbyist) - Proponent
Broward County Property Appraiser
115 S Andrews Avenue
Ft. Lauderdale FL
Phone: 954-445-5732

Dave Ericks (Lobbyist) - Proponent
Broward County
205 S. Adams Street
Tallahassee FL 32301
Phone: 850-224-0880

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

Trey Price (Lobbyist) - Opponent

Florida Association of Realtors

200 S Monroe Street

Tallahassee FL 32301

Phone: 850-224-1400

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

Bill No. HJR 33

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<u>✓</u> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1 (for drafter's use only)

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided herein.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided herein.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1 (for drafter's use only)

52 decision of such court shall not affect or impair any remaining
53 provisions of this amendment.

54 (8) When a person sells his or her homestead property
55 within this state and within one year purchases another property
56 and establishes such property as homestead property, the newly
57 established homestead property shall be initially assessed at
58 less than just value, as provided by general law. The difference
59 between the new homestead property's just value and its assessed
60 value in the first year the homestead is established may not
61 exceed the difference between the previous homestead's just
62 value and its assessed value in the year of sale. In addition,
63 to be assessed as provided in this paragraph, the assessed value
64 of the new homestead must equal or exceed the assessed value of
65 the previous homestead. Thereafter, the homestead shall be
66 assessed as provided herein. Homestead property located within a
67 fiscally constrained county may be exempt from this paragraph as
68 provided by general law and subject to approval of the electors
69 of the county voting in a referendum to be held no earlier than
70 November 1, 2009.

71 (d) The legislature may, by general law, for assessment
72 purposes and subject to the provisions of this subsection, allow
73 counties and municipalities to authorize by ordinance that
74 historic property may be assessed solely on the basis of
75 character or use. Such character or use assessment shall apply
76 only to the jurisdiction adopting the ordinance. The
77 requirements for eligible properties must be specified by
78 general law.

79 (e) A county may, in the manner prescribed by general law,
80 provide for a reduction in the assessed value of homestead
81 property to the extent of any increase in the assessed value of
82 that property which results from the construction or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1 (for drafter's use only)

reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove line(s) 105-117 and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

HOMESTEAD PROPERTY ASSESSMENTS.--Proposing an amendment to the State Constitution to provide for assessing at less than just value property purchased within one year after a sale of homestead property and established as new homestead property, limited by the difference between the new homestead property's just value and its assessed value in the first year the homestead is established not exceeding the difference between the previous homestead's just value and its assessed value in the year of sale and the new homestead property's assessed value equaling or exceeding the old homestead property's assessed value.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1 (for drafter's use only)

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of
Article VII of the State Constitution to provide an additional
circumstance for assessing homestead property at less than just
value.

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 675 CS : Public Records and Public Meetings

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 753 CS : Deferral of Ad Valorem Property Taxes

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
	Total Yeas: 8		Total Nays: 0		

Appearances:

Bob McKee (Lobbyist) - Proponent
Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32308
Phone: 850-922-4300

John W. Smith (Lobbyist) - Proponent
Florida League of Cities
301 S Bronough Street
Tallahassee FL 32301
Phone: 850-222-9684

Margie Menduni (Lobbyist) - Proponent
Miami-Dade County
215 S Monroe Street
Tallahassee FL 32301
Phone: 850-681-6788

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 793 : City of Orlando, Orange County

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 821 CS : Community Contribution Tax Credit Program

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Geoffrey Becker (Lobbyist) - Proponent
Habitat for Humanity of Florida
215 S Monroe Street
Tallahassee FL 32301
Phone: 850-205-9000

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 951 : Palm Beach County

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 (c) It is in the best interests of the public health,
24 safety, and welfare of the residents of the Loxahatchee Groves
25 area to form a separate municipality for the Loxahatchee Groves
26 area with all the powers and authority necessary to provide
27 adequate and efficient municipal services to its residents.

28 (d) It is intended that this charter and the incorporation
29 of the Loxahatchee Groves area will serve to preserve and
30 protect the distinctive rural characteristics of the community,
31 such as low density, minimal lot coverage, substantial open
32 spaces, agricultural and nursery interests, and rural habitats,
33 and to acknowledge its close ties to the agriculture and
34 equestrian industries within the boundaries of the town.

35 (e) It is the intent of this charter and the incorporation
36 of the town to secure the benefits of self-determination and
37 affirm the values of representative democracy, citizen
38 participation, strong community leadership, professional
39 management, and regional cooperation.

40 (2) FORM OF GOVERNMENT.--The town shall have a council-
41 manager form of government.

42 (3) (a) CORPORATE BOUNDARIES.--The corporate boundaries of
43 the Town of Loxahatchee Groves shall be as described as follows:

44
45 That portion of Loxahatchee Sub-Drainage District,
46 Township 43 South, Range 41 East and Range 40 East,
47 Palm Beach County, Florida, being more particularly
48 described as follows:

49 Beginning at the Northwest corner of Section Eighteen
50 (18) in Township Forty-three (43) South, Range Forty-
51 one (41) East, Palm Beach County, Florida, and run
52 thence along the North line of Section Eighteen (18)
53 and Seventeen (17) of said Township to the Northeast

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

corner of Section Seventeen (17) in said Township and
Range; thence run South along the Eastern boundary of
Section Seventeen (17) to the Southeast corner of said
Section;
Thence run East along the Northern boundary of Section
Twenty-one (21) and of Section Twenty-two (22) to the
Northeast corner of the Northwest quarter of the said
Section Twenty-two (22); Thence run South along the
East line of the Northwest quarter of said Section
Twenty-two (22) to the Southeast corner of said
Northwest quarter of said Section; Thence run West
along the South line of the Southeast quarter of
Northwest quarter of said Section Twenty-two (22) to
the Southwest corner of said Southeast quarter of
Northwest quarter of said Section; Thence run South
along the East line of the West half of the Southwest
quarter of Section Twenty-two (22) and of the West
half of West half of Section Twenty-seven (27) and of
the West half of West half of Section Thirty-four (34)
to the North Right of Way line of State Road 80, in
Section Thirty-four (34); Thence West along the
Northern edge of the North Right of Way line of State
Road 80, across the West half of West half of Section
Thirty-four (34) and across Section Thirty-three (33),
Thirty-two (32), and Thirty-one (31) in said Township
to the point where the range line dividing ranges
Forty (40) and Forty-one (41) East intersects said
North Right of Way line of State Road 80;
Thence North along the West line of Sections Thirty-
one (31), Thirty (30), Nineteen (19) and Eighteen (18)
to the Point of Beginning, embracing approximately Six

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Thousand Nine Hundred Thirty five and 56/100

(6,935.56) acres.

Said lands lying within the above described boundary
lines are described more particularly as follow, to
wit:

All of Section Seventeen (17), Eighteen (18), Nineteen
(19), Twenty (20), and Twenty-one (21) and the
Northwest quarter and West half of Southwest quarter
of Section Twenty-two (22); and West half of West half
of Section Twenty-seven (27); and all Section Twenty-
eight (28), Twenty-nine (29) and Thirty (30) and all
of Section Thirty-one (31) North of North Right of Way
line of State Road 80; and all of Section Thirty-three
(32) North of North Right of Way line of State Road
80; and all of Section Thirty-three (33) North of
North Right of Way line of State Road 80; and all of
the West half of West half of Section Thirty-four (34)
North of North Right of Way line of State Road 80; all
in Township Forty-three (43) South Range Forty-one
(41) East, all of said lands being situate in Palm
Beach County, State of Florida, according to the
United States official surveys of said lands.

TOGETHER WITH

The South 1/2 of Sections 7 and 8, T43S, R41E.

The South 1/2 of the East 1/4 of Section 12, The East
1/4 of Sections 13, 24, 25, T43S, R40E, and that part
of the East 1/4 of Section 36, T43S, R40E, lying North
of the North Right of Way of S.R. 80, all in Palm
Beach County, Florida, containing 1320 acres, more or
less.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

LESS AND EXCEPT The All or Nothing Legislation Parcel as described in Senate Bill No. 2616, Laws of Florida, Chapter 99-425, formerly known as The Palms West Hospital property

A parcel bounded by Southern Boulevard (S.R. 80) on the South, the Southern boundary of the drainage/road Right of Way known as collecting canal on the North, Folsom/Crestwood of the East, and the Western boundary of The All or Nothing Legislation Parcel as described in Senate Bill No. 2616, Laws of Florida, Chapter 99-425 on the west, said parcel being more particularly described as follows:

A parcel of land located in the County of Palm Beach, State of Florida, to wit:

The point of beginning being the intersection of the Easterly line of Lot 4, Block K, Loxahatchee District, according to the plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 7, Page 81, of the Public Records of Palm Beach County, Florida, and the Southerly boundary of the "Collecting Canal" as shown on the Replat of Loxahatchee Groves Subdivision according to the Plat thereof, recorded in Plat Book 12, Page 29, of the Public Records of Palm Beach County, Florida; Thence Easterly along said Southerly boundary of the "Collecting Canal" to the Easterly boundary of said Replat of Loxahatchee Groves; Thence South along said Easterly boundary line of the Replat of Loxahatchee Groves to the North Right of Way line of State Road 80; Thence Westerly along said Northerly Right of Way

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

line of State Road 80 to the Easterly line of Lot 4,
Block K, Loxahatchee District;
Thence Northerly along said Easterly line of Lot 4 to
the Point of Beginning, and
A portion of Lot 4, Block "K," Loxahatchee District
subdivision, according to the map or plat thereof as
recorded in Plat Book 7, page 81, public records, Palm
Beach County, Florida, being more particularly described as
follows:
Commencing at the northeast corner of said lot 4; thence,
south 02°16'42" west, along the east line of said lot 4, a
distance of 834.00 feet for a point of beginning.
Thence, continue south 02°16'42" west along said east line,
a distance of 1221.92 feet, more or less, to the
intersection thereof with the north right-of-way line of
State Road No. 80 as recorded in official records book
12372, page 468, said public records; thence, north
88°08'61" west, departing said east line and along said
north right-of-way line, a distance of 260.20 feet; thence,
north 02°16'46" east, departing said right-of-way line, a
distance of 80.00 feet; thence, north 88°08'51" west, a
distance of 248.59 feet; thence, north 02°16'46" east, a
distance of 321.11; thence, north 88°08'51" west, a
distance of 275.01 feet, more or less, to the intersection
thereof with the west line of said lot 4; thence, north
02°16'46" east, along said west line, a distance of 806.33
feet; thence, south 89°12'21" east, departing said west
line and along the south line of the north 834.00 feet of
said lot 4, as measured along the east and west lines of
said lot 4, a distance of 784.02 feet to the point of
beginning.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

176 Containing: 18.867 acres, more or less.

177 (b) The town shall not annex that area now known as
178 Callery-Judge Groves, generally described as that area of land
179 bounded on the north by M canal, on the south by the northern
180 border of the town, on the east by 140th, and on the west by M
181 canal.

182 (4) MUNICIPAL POWERS.--The town shall be a body corporate
183 and politic and shall have all available governmental,
184 corporate, and proprietary powers of a municipality under the
185 State Constitution and laws of the state, as fully and
186 completely as though such powers were specifically enumerated in
187 this charter, and may exercise them, except when prohibited by
188 law. Through the adoption of this charter, it is the intent of
189 the electors of the town that the municipal government
190 established herein have the broadest exercise of home rule
191 powers permitted under the State Constitution and laws of the
192 state. This charter and the powers of the town shall be
193 construed liberally in favor of the town. It is recognized that
194 certain services within the municipal boundaries are provided by
195 independent special districts created by special acts of the
196 Legislature and by Palm Beach County.

197 Section 2. Council; mayor and vice mayor.--

198 (1) TOWN COUNCIL.--There shall be a five-member town
199 council ("council") vested with all legislative powers of the
200 town, consisting of five members ("council members"), each
201 elected from and representing the town at large. Unless
202 otherwise stated within this charter, all charter powers shall
203 be exercised by the council.

204 (2) THE MAYOR; POWERS AND DUTIES.--

205 (a) The council, at its first regular meeting after the
206 fourth Tuesday of each March, shall elect from its members a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

207 mayor who shall serve for a period of 1 year and who shall have
208 the same legislative powers and duties as any other council
209 member, except as provided herein.

210 (b) In addition to carrying out the regular duties of a
211 council member, the mayor shall preside at the meetings of the
212 council and shall be recognized as the head of town government
213 for service of process, ceremonial matters, and the signature or
214 execution of ordinances, contracts, deeds, bonds, and other
215 instruments and documents and for purposes of military law. The
216 mayor shall also serve as the ceremonial head of the town and
217 the town official designated to represent the town when dealing
218 with other entities. The mayor shall have no administrative
219 duties other than those necessary to accomplish these actions,
220 or such other actions as may be authorized by the town council,
221 consistent with general or special law.

222 (3) THE VICE MAYOR.--

223 (a) The council, at its first regular meeting after the
224 fourth Tuesday of each March, shall elect from its members a
225 vice mayor who shall serve for a period of 1 year and who shall
226 have the same legislative powers and duties while serving as any
227 other council member.

228 (b) The vice mayor shall serve as acting mayor during the
229 absence or disability of the mayor. In the absence of the mayor
230 and the vice mayor, the remaining council members shall select a
231 council member to serve as acting mayor.

232 Section 3. Election and terms of office.--

233 (1) TERM OF OFFICE.--Each council member shall be elected
234 at large for a 3-year term by the electors of the town in the
235 manner provided herein. Council members shall be sworn into
236 office at the first regularly scheduled meeting following their
237 election. Each council member shall remain in office until his

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

or her successor is elected and assumes the duties of the position.

(2) SEATS.--The town council shall be divided into five separate council seats to be designated as seats 1, 2, 3, 4, and 5, to be voted on townwide, with each qualified elector entitled to vote for one candidate for each seat.

(3) QUALIFICATION.--Candidates for each council seat must qualify for council elections by seat in accordance with applicable general law, and the council members elected to those seats shall hold the seats 1 through 5, respectively. To qualify for office:

(a) Filing.--Each candidate for council member shall file a written notice of candidacy with the town clerk at such time and in such manner as may be prescribed by ordinance and shall make payment to the town of any fees required by general law as a qualifying fee.

(b) Registered elector.--Each candidate for council member shall be a registered elector in the state.

(c) Residency.--Each candidate for council member shall have maintained his or her domicile within the boundaries of the town for a period of 1 year prior to qualifying for election and, if elected, shall maintain such residency throughout his or her term of office.

(d) Deadline.--Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the last Tuesday in January, nor later than noon on the first Tuesday in February, of the year in which the election is to be held.

(4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING OF VACANCIES.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

268 (a) Vacancies.--A vacancy in the office of mayor, vice
269 mayor, or any council member shall occur upon the death of the
270 incumbent, removal from office as authorized by law,
271 resignation, appointment to other public office which creates
272 dual office holding, judicially determined incompetence, or
273 forfeiture of office as described in paragraph (b).

274 (b) Forfeiture of office.--Any council member shall
275 forfeit his or her office upon determination by the council,
276 acting as a body, at a duly noticed public meeting that he or
277 she:

278 1. Lacks at any time, or fails to maintain during his or
279 her term of office, any qualification for the office prescribed
280 by this charter or otherwise required by law;

281 2. Is convicted of a felony or enters a plea of guilty or
282 nolo contendere to a crime punishable as a felony, even if
283 adjudication is withheld;

284 3. Is convicted of a first degree misdemeanor arising
285 directly out of his or her official conduct or duties, or enters
286 a plea of guilty or nolo contendere thereto, even if
287 adjudication of guilt has been withheld;

288 4. Is found to have violated any standard of conduct or
289 code of ethics established by law for public officials and has
290 been suspended from office by the Governor, unless subsequently
291 reinstated as provided by law; or

292 5. Is absent from three consecutive regular council
293 meetings without good cause, or for any other reason established
294 in this charter.

295
296 The council shall be the sole judge of the qualifications of its
297 members and shall hear all questions relating to forfeiture of a
298 council member's office, including whether good cause for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

299 absence has been or may be established. The burden of
300 establishing good cause shall be on the council member in
301 question; however, any council member may at any time during any
302 duly held meeting move to establish good cause for his or her
303 absence or the absence of any other commission member from any
304 past, present, or future meeting or meetings, which motion, if
305 carried, shall be conclusive. A council member whose
306 qualifications are in question or who is otherwise subject to
307 forfeiture of his or her office shall not vote on any such
308 matters. The council member in question shall be entitled to a
309 public hearing on request regarding an alleged forfeiture of
310 office. If a public hearing is requested, notice thereof shall
311 be published in one or more newspapers of general circulation in
312 the town at least 1 week in advance of the hearing. Any final
313 determination by the council that a council member has forfeited
314 his or her office shall be made by resolution. All votes and
315 other acts of the council member in question prior to the
316 effective date of such resolution shall be valid regardless of
317 the grounds of forfeiture.

318 (c) Suspension from office.--Any council member shall be
319 suspended from office upon return of an indictment or issuance
320 of any information charging the council member with any crime
321 which is punishable as a felony or with any crime arising out of
322 his or her official duties which is punishable as a first degree
323 misdemeanor. Pursuant thereto:

324 1. During a period of suspension, a council member shall
325 not perform any official act, duty, or function or receive any
326 pay, allowance, emolument, or privilege of office.

327 2. If the council member is subsequently found not guilty
328 of the charge, or if the charge is otherwise dismissed, reduced,
329 or altered in such a manner that suspension would no longer be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

330 required as provided herein, the suspension shall be lifted and
331 the council member shall be entitled to receive full back pay
332 and such other emoluments or allowances as he or she would have
333 been entitled to had the suspension not occurred.

334 (d) Filling of vacancies.--

335 1. If any vacancy occurs in the office of any council
336 member and the remainder of the council member's unexpired term
337 is less than 1 year and 81 days, the remaining council members
338 shall, within 30 days following the occurrence of such vacancy,
339 by majority vote, appoint a person to fill the vacancy for the
340 remainder of the unexpired term.

341 2. If any vacancy occurs in the office of any council
342 member and the remainder of the unexpired term is equal to or
343 exceeds 1 year and 81 days, the remaining council members shall,
344 within 30 days following the occurrence of such vacancy, by
345 majority vote, appoint a person to fill the vacancy until the
346 next regularly scheduled town election, at which time an
347 election shall be held to fill the vacancy.

348 3. If a vacancy occurs in the office of mayor and fewer
349 than 120 days remain in the term of the council member who was
350 elected mayor, the vice mayor shall serve as mayor until a new
351 mayor is elected by the council and assumes the duties of his or
352 her office. If a vacancy occurs in the office of mayor and 120
353 days or more remain in the term of the mayor, the vice mayor
354 shall serve as mayor until a new council member is elected and
355 the council elects a new mayor and vice mayor as provided by
356 this charter.

357 4. Any person appointed to fill a vacancy on the council
358 shall be required to meet the qualifications of the seat to
359 which he or she is appointed.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

360 5. Notwithstanding any quorum requirements established
361 herein, if at any time the full membership of the council is
362 reduced to less than a quorum, the remaining members may, by
363 majority vote, appoint additional members to the extent
364 otherwise permitted or required under this subsection.

365 6. In the event that all the members of the council are
366 removed by death, disability, recall, forfeiture of office, or
367 resignation, or any combination thereof, the Governor shall
368 appoint interim council members who shall call a special
369 election within not fewer than 30 days or more than 60 days
370 after such appointment. Such election shall be held in the same
371 manner as the initial elections under this charter. However, if
372 there are fewer than 6 months remaining in any unexpired terms,
373 the interim council appointed by the Governor shall serve out
374 the unexpired terms. Appointees must meet all requirements for
375 candidates as provided in this charter.

376 (e) Compensation and expenses.--

377 1. Town council members shall be entitled to receive
378 reimbursement in accordance with general law for authorized
379 travel and per diem expenses incurred in the performance of
380 their official duties.

381 2. The town council, by not fewer than four affirmative
382 votes, may elect to provide for compensation and any increase in
383 such compensation by ordinance. However, no such ordinance
384 establishing or increasing compensation shall take effect until
385 the date of commencement of the terms of council members elected
386 at the next regular election which follows the adoption of such
387 ordinance.

388 Section 4. Administrative.--

389 (1) DESIGNATION OF CHARTER OFFICERS.--The town manager and
390 the town attorney are designated as charter officers, except

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

391 that the office of town attorney may be contracted to an
392 attorney or law firm.

393 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
394 VACANCIES.--

395 (a) The charter officers shall be appointed by a majority
396 vote of the full council and shall serve at the pleasure of the
397 council.

398 (b) The charter officers shall be removed from office only
399 by a super majority vote of the full council. Upon demand by a
400 charter officer, a public hearing shall be held prior to such
401 removal.

402 (c) The compensation of the charter officers shall be
403 fixed by the town council through the approval of an acceptable
404 employment contract.

405 (d) The town council shall begin the process to fill a
406 vacancy in a charter office within 90 days after the vacancy. An
407 acting town manager or an acting town attorney may be appointed
408 by the council during a vacancy in such charter office.

409 (e) A charter officer shall not be a member of the town
410 council or a candidate for town council while holding a charter
411 officer position.

412 (3) TOWN MANAGER.--The town manager shall be the chief
413 administrative officer of the town.

414 (a) The town council shall appoint a town manager who
415 shall be the administrative head of the municipal government
416 under the direction and supervision of the town council. The
417 town manager shall hold office at the pleasure of the town
418 council. The town manager shall be appointed by resolution
419 approving an employment contract between the town and the town
420 manager. The town manager shall receive such compensation as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

determined by the town council through the adoption of an appropriate resolution.

(b) The town manager shall have the minimum qualifications of a combination of a bachelor's degree in public administration, business administration, or other related fields from an accredited college or university and 3 years' public administration experience or 6 years' experience in a city manager or assistant city manager position, preferably in an International City/County Management Association-recognized local government.

(c) It is preferred that the town manager be an International City/County Management Association-credentialed manager or obtain such credential within 2 years after being appointed.

(d) During the absence or disability of the town manager, the town council may by resolution designate some properly qualified person to temporarily execute the functions of the town manager. The person thus designated shall have the same powers and duties as the town manager and shall be known while serving as acting town manager. The town manager or acting town manager may be removed by the town council at any time.

(e) As the chief administrative officer, the town manager shall:

1. Direct and supervise the administration of all departments, offices, and agencies of the town, except the office of town attorney, and except as otherwise provided by this charter or by law.

2. Appoint, suspend, or remove any employee of the town or appointive administrative officer provided for, by, or under this charter, except the office of town attorney, and except as may otherwise be provided by law, this charter, or personnel

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

452 rules adopted pursuant to the charter. The town manager may
453 authorize any administrative officer who is subject to his or
454 her direction and supervision to exercise these powers with
455 respect to subordinates in that officer's department, office, or
456 agency.

457 3. Ensure that all laws, provisions of this charter, and
458 acts of the council are faithfully executed.

459 4. Prepare and submit the annual budget and capital
460 program to the council in the form prescribed by ordinance.

461 5. Attend meetings of the town council.

462 6. Draw and sign vouchers upon depositories as provided by
463 ordinance and keep, or cause to be kept, a true and accurate
464 account of same.

465 7. Sign all licenses issued by the town, issue receipts
466 for all moneys paid to the town, and deposit such moneys in the
467 proper depositories on the first banking day after receipt. The
468 town manager may delegate the responsibilities of this
469 subparagraph to an appropriate town employee who shall be
470 bonded.

471 8. Provide administrative services in support of the
472 official duties of the mayor and the council.

473 9. Keep the council advised as to the financial condition
474 and future needs of the town and make recommendations to the
475 council concerning the affairs of the town.

476 10. Submit to the council, and make available to the
477 public, a complete report on finances and administrative
478 activities of the town as of the end of each fiscal year.

479 11. Sign contracts on behalf of the town to the extent
480 authorized by ordinance.

481 12. Perform such other duties as are specified in this
482 charter or as may be required by the council.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

(4) TOWN ATTORNEY.--

(a) The town attorney shall be employed under terms and conditions deemed advisable by the town council, which may include the appointment of a law firm.

(b) The town attorney shall be a member in good standing with The Florida Bar, have been admitted to practice in the state for at least 5 years, and have not less than 2 years' experience in the practice of local government law.

(c) The town attorney has sole discretion to appoint, promote, suspend, demote, remove, or terminate deputy and assistant town attorneys, subject to the town's annual budget.

(d) The town attorney shall perform the following functions in addition to other functions as designated by the town council:

1. Serve as chief legal advisor to the town council, the charter officers, and all town departments, offices, and agencies.

2. Attend all regular and special town council meetings, unless excused by the town council, and perform such professional duties as may be required by law or by the council in furtherance of the law.

3. Approve all contracts, bonds, and other instruments in which the town is concerned and shall endorse on each his or her approval of the form and correctness thereof. No contract with the town shall take effect until his or her approval is so endorsed thereon.

4. When requested to do so by the council, prosecute and defend on behalf of the town all complaints, suits, and controversies in which the town is a party.

5. Perform such other professional duties as required of him or her by resolution of the council or as prescribed for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

municipal attorneys in the general laws of the state which are not inconsistent with this charter.

6. Prepare an annual budget for the operation of the office of the town attorney and submit this budget to the town manager for inclusion in the annual town budget, in accordance with uniform town procedures.

(5) TOWN CLERK.--The town manager shall appoint a town clerk or management firm to serve as town clerk (the "clerk"). The clerk shall give notice of council meetings to its members and the public, keep minutes of its proceedings, and perform such other duties as the council or town manager may prescribe from time to time. The clerk shall report to the town manager.

(6) EXPENDITURE OF TOWN FUNDS.--No funds of the town shall be expended except pursuant to duly approved appropriations or for the payment of bonds, notes, or other indebtedness duly authorized by the council and only from such funds so authorized.

(7) TOWN BOARDS AND AGENCIES.--Except as otherwise provided by law, the council may establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the council. Members of boards and agencies shall be appointed by the council by resolution.

Section 5. Legislative.--

(1) REGULAR MEETINGS.--The council shall conduct regular meetings at such times and places as the council shall prescribe by resolution. Such meetings shall be public meetings within the meaning of state law and shall be subject to notice and other requirements of law applicable to public meetings.

(2) SPECIAL MEETINGS.--Special meetings may be held at the call of the mayor or, in his or her absence, at the call of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

545 vice mayor. Special meetings may also be called upon the request
546 of a majority of the council members. Unless the meeting is of
547 an emergency nature, the person or persons calling such a
548 meeting shall provide not less than 72 hours' prior notice of
549 the meeting to the public.

550 (3) COMMENCEMENT.--All meetings shall be scheduled to
551 commence no earlier than 7 a.m. nor later than 10 p.m.

552 (4) RULES; ORDER OF BUSINESS.--The council shall determine
553 its own rules and order of business.

554 (5) QUORUM.--A majority of the full council shall
555 constitute a quorum.

556 (6) VALIDITY OF ACTION.--No action of the council shall be
557 valid unless adopted by an affirmative vote of the majority of
558 the full council, unless otherwise provided by law.

559 (7) LEGISLATIVE POWERS.--Except as otherwise prescribed
560 herein or as provided by law, the legislative powers of the town
561 shall be vested in the council. The council shall provide for
562 the exercise of its powers and for the performance of all duties
563 and obligations imposed on the town by law.

564 (8) DEPARTMENTS.--The council may establish such other
565 departments as it determines necessary for the efficient
566 administration and operation of the town. Such departments,
567 offices, or agencies shall be established by ordinance.

568 (9) CODE.--The council may adopt any standard code of
569 technical regulations by reference thereto in an adopting
570 ordinance and may amend the code in the adopting ordinance or
571 later amendatory ordinance. The procedures and requirements
572 governing such an adopting ordinance shall be as prescribed for
573 ordinances generally, except that:

574 (a) Requirements regarding distribution and filing of
575 copies of the ordinance shall not be construed to require

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

distribution and filing of copies of the adopted code of technical regulations.

(b) A copy of each adopted code of technical regulations, as well as of the adopting ordinance, shall be authenticated and recorded by the town clerk.

(10) EMERGENCY ORDINANCES.--

(a) To meet a public emergency affecting life, health, property, or the public peace, the council may adopt, in the manner provided by general law, one or more emergency ordinances, but such ordinances may not enact or amend a land use plan or rezone private property; levy taxes; grant, renew, or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money, except as provided under the emergency appropriations provisions of this charter, if applicable. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(b) Upon the affirmative vote of four council members, an emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.

(c) Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(d) Every emergency ordinance, except emergency appropriation ordinances, shall automatically be repealed as of the 61st day following its effective date, but this shall not

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

607 prevent reenactment of the ordinance under regular procedures
608 or, if the emergency still exists, in the manner specified in
609 this section. An emergency ordinance may also be repealed by
610 adoption of a repealing ordinance in the same manner specified
611 in this section for adoption of emergency ordinances.

612 (11) EMERGENCY APPROPRIATIONS.--To meet a public emergency
613 affecting life, health, property, or the public peace, the
614 council, by resolution, may make emergency appropriations. To
615 the extent that there are no unappropriated revenues to meet
616 such appropriation, the council may by such emergency resolution
617 authorize the issuance of emergency notes, which may be renewed
618 from time to time, but the emergency notes and renewals in any
619 fiscal year shall be paid not later than the last day of the
620 fiscal year succeeding that in which the emergency
621 appropriations were made.

622 (12) RECORDKEEPING.--The council shall, in a properly
623 indexed book kept for the purpose, provide for the
624 authentication and recording in full of all minutes of meetings
625 and all ordinances and resolutions adopted by the council, and
626 the same shall at all times be a public record. The council
627 shall further maintain a current codification of all ordinances.
628 Such codification shall be printed and shall be made available
629 for distribution to the public on a continuing basis. All
630 ordinances or resolutions of the council shall be signed by all
631 council members and attested to by the town clerk.

632 (13) DUAL OFFICE HOLDING.--No present elected town
633 official shall hold any compensated appointive office or
634 employment of the town while in office, nor shall any former
635 council member be employed by the town until after the
636 expiration of 1 year from the time of leaving office.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

637 (14) NONINTERFERENCE BY TOWN COUNCIL.--Except for the
638 purposes of inquiry and information, council members are
639 expressly prohibited from interfering with the performance of
640 the duties of any employee of the town government who is under
641 the direct or indirect supervision of the town manager or town
642 attorney. Such action shall be malfeasance within the meaning of
643 section 112.51, Florida Statutes. Recommendations for
644 improvements in the town government operations shall come
645 through the town manager, but each member of the council shall
646 be free to discuss or recommend improvements to the town
647 manager, and the council is free to direct the town manager to
648 implement specific recommendations for improvement in town
649 government operations.

650 Section 6. Budget and appropriations.--

651 (1) FISCAL YEAR.--The town shall have a fiscal year which
652 shall begin on the first day of October and shall end on the
653 last day of September of the following calendar year, unless
654 otherwise defined by general law. Such fiscal year shall also
655 constitute the annual budget and accounting year.

656 (2) BUDGET ADOPTION.--The council shall adopt a budget in
657 accordance with applicable general law, following a minimum of
658 two public hearings on the proposed budget. A resolution
659 adopting the annual budget shall constitute appropriation of the
660 amounts specified therein as expenditures from funds indicated.

661 (3) EXPENDITURES.--The budget shall not provide for
662 expenditures in an amount greater than the revenues budgeted.

663 (4) APPROPRIATIONS.--

664 (a) If, during the fiscal year, revenues in excess of
665 those estimated in the budget are available for appropriation,
666 the council by resolution may make supplemental appropriations
667 for the year in an amount not to exceed such excess.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

668 (b) If, at any time during the fiscal year, it appears
669 probable to the town manager that the revenues available will be
670 insufficient to meet the amount appropriated, the town manager
671 shall report to the council without delay, indicating the
672 estimated amount of the deficit, any remedial action taken, and
673 recommendations as to any other steps that should be taken. The
674 council shall then take such further action as it deems
675 necessary to prevent or minimize any deficit and, for that
676 purpose, the council may by resolution reduce one or more
677 appropriations accordingly.

678 (c) No appropriation for debt service may be reduced or
679 transferred, and no appropriation may be reduced below any
680 amount required by law to be appropriated, or by more than the
681 unencumbered balance thereof. Other provisions of law to the
682 contrary notwithstanding, the supplemental and emergency
683 appropriations and reduction or transfer of appropriations
684 authorized by this section may be made effective immediately
685 upon adoption.

686 (5) BONDS; INDEBTEDNESS.--

687 (a) Subject to the referendum requirements of the State
688 Constitution, if applicable, the town may from time to time
689 borrow money and issue bonds or other obligations or evidence of
690 indebtedness (collectively, "bonds") of any type or character
691 for any of the purposes for which the town is now or hereafter
692 authorized by law to borrow money, including to finance the cost
693 of any capital or other project and to refund any and all
694 previous issues of bonds at or prior to maturity. Such bonds may
695 be issued pursuant to one or more resolutions adopted by a
696 majority of the council.

697 (b) The town may assume all outstanding indebtedness
698 related to facilities it acquires from other units of local

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

699 government and be liable for payment thereon in accordance with
700 its terms.

701 (6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS.--Unless
702 authorized by the electors of the town at a duly held referendum
703 election, the council shall not authorize or allow to be
704 authorized the issuance of revenue bonds or enter into lease-
705 purchase contracts or any other unfunded multiyear contracts for
706 the purchase of real property or the construction of any capital
707 improvement, the repayment of which extends in excess of 36
708 months, unless mandated by state or federal governing agencies.

709 (7) ANNUAL AUDIT.--The council shall provide for an
710 independent annual financial audit of all town accounts and may
711 provide for more frequent audits as it deems necessary. Such
712 audits shall be made by a certified public accountant or a firm
713 of such accountants who have no personal interest, direct or
714 indirect, in the fiscal affairs of the town government or in any
715 of its officers. Residency in the town shall not be construed as
716 a prohibited interest.

717 Section 7. Elections.--

718 (1) ELECTORS.--Any person who is a resident of the town,
719 who has qualified as an elector of this state, and who registers
720 in the manner prescribed by law shall be an elector of the town.

721 (2) NONPARTISAN ELECTIONS.--All elections for the town
722 council members shall be conducted on a nonpartisan basis
723 without any designation of political party affiliation.

724 (3) ELECTION DATES.--A special election shall be held on
725 the second Tuesday in March 2007, and regular elections shall be
726 held on the second Tuesday in March of each election year,
727 provided as follows:

728 (a) For the two council member seats that received the
729 highest number of votes in the March 2007 election, the next

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

730 election to fill the council member seats shall be held on the
731 second Tuesday in March after the first Monday in March in 2010,
732 and every 3 years thereafter.

733 (b) For the two council member seats that received the
734 next highest number of votes in the March 2007 election, the
735 next election to fill the council member seats shall be held on
736 the second Tuesday in March after the first Monday in March in
737 2009, and every 3 years thereafter.

738 (c) For the remaining council member seat, the next
739 election to fill the council member seat shall be held on the
740 second Tuesday in March after the first Monday in March in 2008,
741 and every 3 years thereafter.

742 (d) Such town elections shall be general town elections.

743 (4) RUNOFF ELECTIONS.--In the event no candidate for an
744 office receives a majority of the votes cast for such office,
745 the person receiving the largest number of votes cast will be
746 elected. In the event two candidates receive an equal number of
747 votes, a runoff election shall be held on the fourth Tuesday in
748 March.

749 (5) TOWN CANVASSING BOARD.--The town canvassing board
750 shall be composed of those members of the town council who are
751 not candidates for reelection and the town clerk, who shall act
752 as chair. At the close of the polls of any town election, or as
753 soon thereafter as practicable, the canvassing board shall meet
754 at a time and place designated by the chair and shall proceed to
755 publicly canvass the vote as shown by the returns then on file
756 in the office of the town clerk, and then shall publicly canvass
757 the absentee elector ballots. The canvassing board shall prepare
758 and sign a certificate containing the total number of votes cast
759 for each candidate or other measure voted upon. The certificate
760 shall be placed on file with the town clerk.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

761 (6) SPECIAL ELECTIONS.--Special municipal elections, when
762 required, shall be held in the same manner as regular elections,
763 except that the town council, by ordinance, shall fix the time
764 for holding such elections consistent with this charter and
765 state law.

766 (7) GENERAL ELECTION.--

767 (a) The ballot for the general election shall contain the
768 names of all qualified candidates for each respective council
769 member seat and shall instruct electors to cast one vote for
770 each council member seat, with a maximum of one vote per
771 candidate. The candidate for each council member seat receiving
772 the most votes shall be the duly elected council member for that
773 designated council member seat.

774 (b) No election for any council member seat shall be
775 required in any election if there is only one duly qualified
776 candidate for the council member seat.

777 (c) If more than one candidate for a designated council
778 member seat receive an equal and highest number of votes, the
779 candidates for the office receiving the highest vote in the
780 general election shall run again in the runoff election.

781 (d) The candidate receiving the highest number of votes
782 cast for the designated council member seat in the runoff
783 election shall be elected to the designated council member seat.
784 If the vote at the runoff election results in a tie, the outcome
785 shall be determined by lot.

786 (e) The term of office of any elected official shall
787 commence immediately after the election.

788 (f) All elected officers, before entering upon their
789 duties, shall take and subscribe to the following oath of
790 office:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

791 "I do solemnly swear (or affirm) that I will support, protect,
792 and defend the Constitution and Government of the United States
793 and of the state, and the charter of the Town of Loxahatchee
794 Groves; that I am duly qualified to hold office under the
795 Constitution of the State and the charter of the Town of
796 Loxahatchee Groves; and that I will well and faithfully perform
797 the duties of council member upon which I am now about to
798 enter."

799 (g) The election laws of the state shall apply to all
800 elections.

801 (h) Any member of the town council may be removed from
802 office by the electors of the town following the procedures for
803 recall established by general law.

804 Section 8. Initiative and referendum.--

805 (1) POWER TO INITIATE AND RECONSIDER ORDINANCES.--

806 (a) The electors of the town shall have the power to
807 propose ordinances to the town council and, if the town council
808 fails to adopt an ordinance so proposed without any change in
809 substance, to adopt or reject it at a town election, provided
810 that such power shall not extend to the annual budget or capital
811 program or any ordinance appropriating money, levying taxes, or
812 setting salaries of town officers or employees.

813 (b)1. The town council shall have the power, by
814 resolution, to call for a referendum vote by the electors of the
815 town at any time, provided that the purpose of such referendum
816 is presented to the town at a public hearing at least 60 days
817 prior to the adoption of such resolution. Any resolution calling
818 for a referendum vote of the electors of the town must be passed
819 by the affirmative vote of not less than four members of the
820 council.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

821 2. The electors of the town shall have the power to
822 require reconsideration by the town council of any adopted
823 ordinance and, if the town council fails to repeal an ordinance
824 so reconsidered, to approve or reject it at a town election,
825 provided that such power shall not extend to the annual budget
826 or capital program or any ordinance appropriating money, levying
827 taxes, or setting salaries of town officers or employees.

828 (2) COMMENCEMENT OF PROCEEDINGS.--Any 10 electors may
829 commence initiative or referendum proceedings by filing with the
830 town clerk an affidavit stating that they shall constitute the
831 petitioner's committee and be responsible for circulating the
832 petition and filing it in proper form stating their names and
833 addresses and specifying the address to which all notices to the
834 committee are to be sent, and setting out in full the proposed
835 initiative ordinance or citing the ordinance sought to be
836 reconsidered. Promptly after the affidavit of the petitioner's
837 committee is filed, the town clerk may, at the committee's
838 request, issue the appropriate petition blanks to the
839 petitioner's committee at the committee's expense.

840 (3) PETITIONS.--

841 (a) Initiative and referendum petitions must be signed by
842 electors of the town equal in number to at least 10 percent of
843 the total number of electors registered to vote in the last
844 regular town election.

845 (b) All papers of a petition shall be assembled as one
846 instrument of filing. Each signature shall be executed in ink
847 and shall be followed by the printed name and address of the
848 person signing. Petitions shall contain or have attached thereto
849 throughout their circulation the full text of the ordinance
850 proposed or sought to be reconsidered.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

851 (c) Each paper of a petition shall have attached to it
852 when filed an affidavit executed by the circulator thereof
853 stating that he or she personally circulated the paper, the
854 number of signatures thereon, that all signatures were affixed
855 in his or her presence, that he or she believes them to be the
856 genuine signatures of the persons whose names they purport to
857 be, and that each signer had an opportunity before signing to
858 read the full text of the ordinance proposed or sought to be
859 reconsidered.

860 (d) Except as otherwise provided herein, all initiative
861 and referendum petitions must be filed within 60 days of the
862 date on which proceedings with respect to such initiative or
863 referendum are commenced, and all requirements of the process,
864 including, but not limited to, the submission of the signatures
865 required, must be completed no later than 90 days following the
866 date of filing such initiative or referendum petition.

867 (4) PROCEDURE FOR FILING.--

868 (a) Within 20 days after an initiative petition or a
869 referendum petition is filed, the town clerk shall complete a
870 certificate as to its sufficiency, specifying, if it is
871 insufficient, the particulars wherein it is defective, and shall
872 promptly send a copy of the certificate to the petitioner's
873 committee by registered mail. Grounds for insufficiency are only
874 those specified herein that are not met. A petition certified
875 insufficient for lack of the required number of valid signatures
876 may be amended once if the petitioner's committee files a notice
877 of intent to amend it with the designated official within 2
878 business days after receiving the copy of the certificate and
879 files a supplementary petition upon additional papers within 10
880 days after receiving the copy of such certificate. Such
881 supplementary petition shall comply with original petition

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

882 requirements, and within 5 days after it is filed the town clerk
883 shall complete a certificate as to the sufficiency of the
884 petition as amended and promptly send a copy of such certificate
885 to the petitioner's committee by registered mail. If a petition
886 or an amended petition is certified sufficient, or if a petition
887 or amended petition is certified insufficient and the
888 petitioner's committee does not elect to amend or request the
889 town council review within the time required, the town clerk
890 shall promptly present a certificate to the town council and
891 such certificate shall then be a final determination as to the
892 sufficiency of the petition.

893 (b) If a petition has been certified insufficient and the
894 petitioner's committee does not file notice of intent to amend
895 it or if an amended petition has been certified insufficient,
896 the committee may, within 2 business days after receiving the
897 copy of such certificate, file a request that it be reviewed by
898 the town council. The town council shall review the certificate
899 at its next meeting following the town council's filing of such
900 request and approve or disapprove it, and determination shall
901 then be final as to the sufficiency of the petition.

902 (5) ACTION ON PETITIONS.--

903 (a) When an initiative or referendum petition has been
904 determined sufficient, the town council shall promptly consider
905 the proposed initiative ordinance or reconsider the referendum
906 ordinance by voting its repeal. If the town council fails to
907 adopt a proposed initiative ordinance without any change in
908 substance within 45 days or fails to repeal the referendum
909 ordinance within 30 days after the date on which the petition is
910 determined to be sufficient, it shall submit the proposed
911 initiative or referendum ordinance to the electors of the town.
912 If the town council fails to act on a proposed initiative

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

913 ordinance or a referendum ordinance within the time period
914 specified, the town council shall be deemed to have failed to
915 adopt the proposed initiative ordinance or failed to repeal the
916 referendum ordinance on the last day that the town council was
917 authorized to act on such matter.

918 (b) The vote of the town on a proposed initiative or
919 referendum ordinance shall be held not fewer than 30 days or
920 more than 60 days from the date the town council acted or was
921 deemed to have acted pursuant to this charter. If no regular
922 election is to be held within the period described in this
923 paragraph, the town council shall provide for a special
924 election, except that the town council may, in its discretion,
925 provide for a special election at an earlier date within the
926 described period. Copies of the proposed initiative or
927 referendum ordinance shall be made available at the polls.

928 (c) An initiative or referendum petition may be withdrawn
929 at any time prior to the 15th day preceding the day scheduled
930 for a vote of the town by filing with the town clerk a request
931 for withdrawal signed by at least eight members of the
932 petitioner's committee. Upon the filing of such request, the
933 petition shall have no further force or effect and all
934 proceedings thereon shall be terminated.

935 (6) RESULTS OF ELECTION.--

936 (a) If a majority of the qualified electors voting on a
937 proposed initiative ordinance vote in its favor, it shall be
938 considered adopted upon certification of the election results.
939 If conflicting ordinances are approved at the same election, the
940 one receiving the greatest number of affirmative votes shall
941 prevail to the extent of such conflict.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

942 (b) If a majority of the qualified electors voting on a
943 referendum ordinance vote against it, it shall be considered
944 repealed upon certification of the election results.

945 Section 9. General provisions.--

946 (1) SEVERABILITY.--If any section or part of any section
947 of this charter shall be held invalid by a court of competent
948 jurisdiction, such holding shall not affect the remainder of
949 this charter or the context in which such section or part of a
950 section so held invalid may appear, except to the extent that an
951 entire section or part of a section may be inseparably connected
952 in meaning and effect with the section or part of a section to
953 which such holding shall directly apply.

954 (2) TOWN PERSONNEL SYSTEM.--All new employments,
955 appointments, and promotions of town officers and employees
956 shall be made pursuant to personnel procedures to be established
957 by the town manager from time to time.

958 (3) CHARITABLE CONTRIBUTIONS.--The town shall not make any
959 charitable contribution to any person or entity unless
960 authorized by the council.

961 (4) VARIATION OF PRONOUNS.--All pronouns and any
962 variations thereof used in this charter shall be deemed to refer
963 to masculine, feminine, neutral, singular, or plural as the
964 identity of the person or persons shall require and are not
965 intended to describe, interpret, define, or limit the scope,
966 extent, or intent of this charter.

967 (5) CALENDAR DAY.--For the purpose of this charter, a day
968 shall mean a calendar day.

969 (6) CHARTER REVIEW COMMITTEE.--

970 (a) At its first regular meeting in March 2012, and every
971 10th year thereafter, the town council may appoint a charter
972 review committee consisting of 15 individuals who are not

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

members of the town council to serve in an advisory capacity to the town council.

(b) Each council member shall recommend and nominate three individuals to serve on the committee as regular members, which appointments shall be approved by a majority vote of the town council. Individuals appointed to the charter review committee shall be citizens of the town.

(c) The charter review committee shall appoint its own chair and vice chair and adopt its own rules and procedures.

(d) The town clerk and the town attorney shall advise the town council in advance of the date when such appointments may be made.

(e) If appointed, the charter review committee shall commence its proceedings within 30 days after the committee is appointed by the town council. The committee shall review the charter and provide input to the town council to modernize and improve the charter. The public shall be given an opportunity to speak and participate at charter review committee meetings in accordance with the rules of the charter review committee.

(f) All recommendations by the charter review committee shall be forwarded to the town council in ordinance form for consideration no later than the 1st day of March of the year following the appointment of the charter review committee, and in sufficient time for any recommendations to be considered by the town council as provided herein.

(g) The town council shall consider the recommendations of the charter review committee at the regular meeting in November and the regular meeting in December of the year following appointment of the charter review committee.

(7) CHARTER AMENDMENTS.--This charter may be amended in accordance with the provisions for charter amendments as

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

specified in general law or as may otherwise be provided by
general law. The form, content, and certification of any
petition to amend shall be established by ordinance.

(8) INITIATION BY PETITION.--The electors of the town may
propose amendments to this charter by petition to be submitted
to the council to be placed before the electors, as provided by
general law.

(9) STANDARDS OF CONDUCT.--All elected officials and
employees of the town shall be subject to the standards of
conduct for public officers and employees set by general law. In
addition, the town council shall, no later than 6 months from
the effective date of incorporation, establish by ordinance a
code of ethics for officials and employees of the town which may
be supplemental to general law, but in no case may such an
ordinance diminish the provisions of general law. The intent of
this subsection is to require more stringent standards than
those provided under general law.

(10) LAND USE, REZONING.--Any change to the town's future
land use map, or any change to the zoning designation for any
parcel within the town shall require the affirmative vote of no
fewer than four members of the town council.

Section 10. Transition schedule.--

(1) REFERENDUM.--The Palm Beach County Commission shall
hold the referendum election called for by this act on October
10, 2006, at which time the following question shall be placed
upon the ballot:

"Shall the creation of the Town of Loxahatchee Groves and its
charter be approved?"

Yes

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

No

(2) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.--

(a) Following the adoption of this charter, the Palm Beach County Commission shall call a special election for the election of the five town council members to be held on March 13, 2007. Candidates for the election shall qualify for seat 1, seat 2, seat 3, seat 4, and seat 5. The candidate receiving the highest number of votes for that seat shall be elected. If more than one candidate for a designated council member seat receives an equal and highest number of votes, then the candidates receiving the highest votes in the general election shall run again in the runoff election which shall be held on March 27, 2007.

(b) Any individual who wishes to run for one of the five initial seats on the council shall qualify as a candidate with the Palm Beach County Supervisor of Elections in accordance with the provisions of this charter and general law.

(c) The Palm Beach County Commission shall appoint a canvassing board which shall certify the results of the election.

(d) Those candidates who are elected on March 13, 2007, and March 27, 2007, shall take office at the initial town council meeting, which shall be held at 7 p.m. on March 29, 2007.

(3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the purpose of compliance with section 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the town is hereby created and established effective November 1, 2006; notwithstanding anything to the contrary contained herein,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1065 the town, although created and established as of November 1,
1066 2006, shall not be operational until March 30, 2007.

1067 (4) FIRST YEAR EXPENSES.--The town council, in order to
1068 provide moneys for the expenses and support of the town, shall
1069 have the power to borrow money necessary for the operation of
1070 town government until such time as a budget is adopted and
1071 revenues are raised in accordance with the provisions of this
1072 charter.

1073 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All
1074 applicable county ordinances currently in place at the time of
1075 passage of the referendum, unless specifically referenced
1076 herein, shall remain in place until and unless rescinded by
1077 action of the town council, except that a county ordinance,
1078 rule, or regulation which is in conflict with an ordinance,
1079 rule, or regulation of the town shall not be effective to the
1080 extent of such conflict, except as otherwise provided by the
1081 Palm Beach County Charter, as may be amended from time to time.
1082 Any existing Palm Beach County ordinances, rules, and
1083 regulations as of October 12, 2006, shall not be altered,
1084 changed, rescinded, or added to, nor shall any variance be
1085 granted thereto insofar as such action would affect the town
1086 without the approval of the town council.

1087 (6) TEMPORARY EMERGENCY ORDINANCES.--The town council
1088 shall adopt ordinances and resolutions required to effect the
1089 transition. Ordinances adopted within 60 days after the first
1090 council meeting may be passed as emergency ordinances. These
1091 transitional ordinances, passed as emergency ordinances, shall
1092 be effective for no longer than 90 days after adoption and
1093 thereafter may be readopted, renewed, or otherwise continued
1094 only in the manner normally prescribed for ordinances.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

(7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
REGULATIONS.--

(a) Until such time as the town adopts a comprehensive plan, the Palm Beach County Future Land Use Map, the Palm Beach County Zoning Map, and all other applicable provisions applicable to the town, of the Comprehensive Plan and Land Development Regulations of Palm Beach County, as the same exist on the day the town commences corporate existence, shall remain in effect as the town's transitional comprehensive plan and land development regulations. However, all planning functions, duties, and authority shall thereafter be vested in the Town Council of Loxahatchee Groves which shall also be deemed the local planning agency until the council establishes a separate local planning agency.

(b) Upon this act becoming a law, no changes in the future land use map or the zoning districts within the boundaries of the town shall be considered for alteration, amendment, or other modification in any way until such time as the town adopts appropriate procedures as referenced in this act.

(c) All powers and duties of the planning commission, zoning authority, any boards of adjustment, and the County Commission of Palm Beach County, as set forth in these transitional zoning and land use regulations, shall be vested in the Town Council of Loxahatchee Groves until such time as the town council delegates all or a portion thereof to another entity.

(d) Subsequent to the passage of this act, no amendment of the comprehensive plan or land development regulations enacted by the Palm Beach County Commission shall be deemed as an amendment of the town's transitional comprehensive plan or land development regulations or otherwise take effect within the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

town's corporate limits except in accordance with the requirements, and upon adoption of the procedures specified in this act.

(e)1. The owner or assigns of the 97+/- acre property located at the northwest corner of B-Road and Southern Boulevard, commonly known as the "Simon property," have applied for a land use change through the Palm Beach County comprehensive plan amendment process (LGA 2004-00037). This parcel and its owners and assigns will remain subject to the Palm Beach County comprehensive plan and approval process until such time as the town adopts its own comprehensive plan.

2. In the event that the town initiates a review and approval process in a timeframe that is faster than presently expected, the owner or assigns of the Simon property may elect, at their own option, to go through the town's zoning approval process.

(8) COMMUNICATIONS SERVICES TAX.--The communications services tax imposed under s. 202.19, F.S., by Palm Beach County will continue within the town boundaries during the period commencing with the date of incorporation through December 31, 2007. Revenues from the tax shall be shared by Palm Beach County with the town in proportion to the projected town population estimate of the Palm Beach County Planning Division compared with the unincorporated population of Palm Beach County before the incorporation of Loxahatchee Groves.

(9) STATE SHARED REVENUES.--The Town of Loxahatchee Groves shall be entitled to participate in all shared revenue programs of the state available to municipalities effective April 1, 2007. The provisions of section 218.23(1), Florida Statutes, shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1157 state fiscal year 2009-2010. Initial population estimates for
1158 calculating eligibility for shared revenues shall be determined
1159 by the University of Florida Bureau of Economic and Business
1160 Research. Should the bureau be unable to provide an appropriate
1161 population estimate, the Palm Beach County Planning Division
1162 estimate should be utilized. For the purposes of qualifying for
1163 revenue sharing, the following revenue sources shall be
1164 considered: municipal service taxing units, fire municipal
1165 service taxing units, water control district revenues,
1166 occupational license taxes, ad valorem taxes, public utility
1167 service taxes, communication services tax, and franchise fees.

1168 (10) GAS TAX REVENUES.--The town shall be entitled to
1169 receive local option gas tax revenues beginning October 1, 2007.
1170 This specifically includes the relevant statutorily referenced
1171 interlocal agreements.

1172 (11) WAIVER.--The provisions of section 218.23(1), Florida
1173 Statutes, shall be waived for the purpose of conducting audits
1174 and financial reporting through fiscal year 2007-2008.

1175 Section 11. Continuation, merger, and dissolution of
1176 existing districts and service providers.--

1177 (1) PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING
1178 UNIT; CONTINUATION.--Notwithstanding the incorporation of the
1179 Town of Loxahatchee Groves, that portion of the Palm Beach
1180 County Fire Rescue Municipal Service Taxing Unit, a special
1181 taxing district created by the Palm Beach County Commission that
1182 lies within the boundaries of the Town of Loxahatchee Groves, is
1183 authorized to continue in existence until the town adopts an
1184 ordinance to the contrary. However, the town shall not establish
1185 a town fire department without a referendum.

1186 (2) LAW ENFORCEMENT.--Law enforcement services will be
1187 provided by contract with the Palm Beach County Sheriff's

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Office, or contracted with other law enforcement agencies, until the town adopts an ordinance to the contrary, provided that the town shall not establish a town police department without a referendum.

(3) PALM BEACH COUNTY LIBRARY DISTRICT;
CONTINUATION.--Notwithstanding the incorporation of the Town of Loxahatchee Groves, that portion of the Palm Beach County Library District, a dependent district of Palm Beach County created by chapter 2000-405, Laws of Florida, that lies within the boundaries of the Town of Loxahatchee Groves, is authorized but not required to continue in existence, provided that in order to be excluded from the library district the town shall establish a municipal-funded library.

(4) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT
B.--That portion of Palm Beach County Municipal Service Taxing Unit B, a dependent district of Palm Beach County created by the Palm Beach Commission that lies within the boundaries of the Town of Loxahatchee Groves, shall cease to exist within the municipal boundaries of the Town of Loxahatchee Groves on October 10, 2006.

(5) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT
F.--That portion of Palm Beach County Municipal Service Taxing Unit F, a dependent district of Palm Beach County created by the Palm Beach County Commission that lies within the boundaries of the Town of Loxahatchee Groves, shall cease to exist within the municipal boundaries of the Town of Loxahatchee Groves on October 10, 2006.

(6) LOXAHATCHEE GROVES WATER CONTROL DISTRICT;
CONTINUATION.--Notwithstanding the incorporation of the Town of Loxahatchee Groves, the Loxahatchee Groves Water Control

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

District, an independent special district created pursuant to the laws of the state, is authorized to continue in existence.

(7) LOXAHATCHEE GROVES PARK;

CONTINUATION.--Notwithstanding the incorporation of the Town of Loxahatchee Groves, the Loxahatchee Groves Park will continue to be operated by the Palm Beach County Department of Parks and Recreation, in accordance with existing Palm Beach County standards. All planned improvements to the park shall be subject to approval of the Town of Loxahatchee Groves but are the responsibility of Palm Beach County. Nothing contained herein shall prevent Palm Beach County and the Town of Loxahatchee Groves from entering into an interlocal agreement related to maintenance, planned improvements, sale, or transfer of the park.

Section 12. Repeal.--Section 6 of section 2 of chapter 99-425, Laws of Florida, is repealed.

Section 13. Waivers.--The thresholds established by section 165.061, Florida Statutes, for incorporation have been met with the following exceptions:

(1) A waiver is granted to provisions of section 165.061(1)(b), Florida Statutes, relating to minimum population requirements of 5,000, due to the rural character of the Town of Loxahatchee Groves.

(2) A waiver is granted to provisions of section 165.061(1)(c), Florida Statutes, relating to the minimum density of population of 1.5 persons per acre, to protect the historic, rural, and agricultural character of the town from surrounding development pressure.

(3) A waiver is granted to provisions of section 165.061(1)(d), Florida Statutes, relating to the minimum distance of 2 miles from the town to an existing municipality

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1249 due to the marked difference in character between the town, a
1250 historic and rural community, and surrounding communities with
1251 significantly greater density and urban characteristics.

1252 Section 14. This act shall only take effect upon approval
1253 by a majority of those qualified electors residing within the
1254 proposed corporate limits of the proposed Town of Loxahatchee
1255 Groves as described in section 1, voting in a referendum
1256 election to be called by the Board of County Commissioners of
1257 Palm Beach County and to be held on October 10, 2006, in
1258 accordance with the provisions relating to elections currently
1259 in force, except that section 10(1) and this section shall take
1260 effect upon this act becoming a law.

1261
1262
1263 ===== T I T L E A M E N D M E N T =====

1264 Remove the entire title and insert:

1265 A bill to be entitled

1266 An act relating to Palm Beach County; creating the Town of
1267 Loxahatchee Groves; providing a charter; providing
1268 legislative intent; providing a council-manager form of
1269 government; providing boundaries; providing municipal
1270 powers; providing for a town council; providing for
1271 membership, qualifications, terms, powers, and duties of
1272 its members, including the mayor; providing for a vice
1273 mayor; providing general powers and duties; providing
1274 circumstances resulting in vacancy in office; providing
1275 grounds for forfeiture and suspension; providing for
1276 filling of vacancies; providing for compensation and
1277 expenses; providing for appointment of charter officers,
1278 including a town manager and town attorney; providing for
1279 removal, compensation, and filling of vacancies; providing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1280 qualifications, powers, and duties; providing for
1281 meetings; providing for adoption, distribution, and
1282 recording of technical codes; providing for recordkeeping;
1283 providing a limitation upon employment of council members;
1284 prohibiting certain interference with town employees;
1285 establishing the fiscal year; providing for adoption of
1286 annual budget and appropriations; providing for
1287 supplemental, reduction, and transfer of appropriations;
1288 providing for limitations; providing for referendum
1289 requirements for revenue bonds and other multiyear
1290 contracts; providing for financial audit; providing for
1291 nonpartisan elections and matters relative thereto;
1292 providing for recall; providing for initiative and
1293 referenda; providing for future amendments of the charter;
1294 providing for standards of conduct in office; providing
1295 for severability; providing for a personnel system;
1296 providing for charitable contributions; providing for land
1297 use changes; providing the town a transitional schedule
1298 and procedures for first election; providing for first-
1299 year expenses; providing for adoption of transitional
1300 ordinances, resolutions, comprehensive plan, and local
1301 development regulations; providing for sharing of
1302 communications services tax; providing for accelerated
1303 entitlement to state-shared revenues; providing for gas
1304 tax revenue; provides for providing for continuation of
1305 the Palm Beach County Fire Rescue Municipal Service Taxing
1306 Unit; providing for law enforcement; providing for
1307 continuation of the Palm Beach County Library District;
1308 providing for dissolution of the Palm Beach County
1309 Municipal Service Taxing Unit B and dissolution of the
1310 Palm Beach County Municipal Service Taxing Unit F;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

1311 providing for continuation of the Loxahatchee Groves Water
1312 Control District; providing for continuation of
1313 Loxahatchee Groves Park; repealing s. 6 of s. 2 of chapter
1314 99-425, Laws of Florida, relating to a restriction on
1315 annexation of the Loxahatchee Groves Water Control
1316 District; providing for waivers; requiring a referendum;
1317 providing effective dates.
1318
1319

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 973 : South Broward Drainage District, Broward County

☒ *Temporarily Deferred*

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 979 : Property Tax Administration

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Dave Ericks (Lobbyist) - Proponent
Broward County Property Appraiser
205 South Adams Street
Tallahassee FL 32301
Phone: 850-224-0880

Robert Wolfe (Lobbyist) - Proponent
Broward County Property Appraiser
115 S Andrews Avenue
Ft. Lauderdale FL 33301
Phone: 954-445-5732

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 979

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

Council/Committee hearing bill: Local Government Council
Representative Seiler offered the following:

Amendment (with title amendment)

Remove line(s) 45-57 and insert:

appropriate property appraiser. Upon releasing its findings,
the department shall notify the chairperson of the appropriate
county commission or the corresponding official under a
consolidated charter that the department's findings are
available upon request. The department shall, within 90 days
after receiving a written request from the chairperson of the
appropriate county commission or the corresponding official
under a consolidated charter, forward a copy of its findings,
including the confidence interval for the median and such other
measures for each classification or subclassification studied
and for the roll as a whole, and related statistical and
analytical details, to the requesting party.

===== T I T L E A M E N D M E N T =====

Remove line(s) 3-16 and insert:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 s. 195.096, F.S.; requiring the Department of Revenue to notify
22 the county commissioner or the corresponding officer under a
23 consolidated that its findings regarding the review of the
24 county tax assessment roll are available upon request; requiring
25 the Department of Revenue to forward its findings within 90 days
26 of a request; providing an effective date.

000000

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1023 : Playgrounds

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Kelly Mallette (Lobbyist) - Proponent
Village of Palmetto Bay
106 E College Avenue
Tallahassee FL 32301
Phone: 850-224-3427

Kathy Boffman McCloud (Lobbyist) - Proponent
Florida Recreation and Park Association
813 E Call Street
Tallahassee FL 32301
Phone: 850-591-6555

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1137 : Rupert J. Smith Law Library, St. Lucie County

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 1137

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

Council/Committee hearing bill: Local Government Council
Representative Harrell offered the following:

Amendment (with title amendment)

Remove line(s) 40-42 and insert:
(renumber sections)

===== T I T L E A M E N D M E N T =====

Remove line(s) 5-6 and insert:

board of trustees; providing an effective date.

000000

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1187 : Florida Building Code

<input checked="" type="checkbox"/> Favorable With Committee Substitute					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Secretary Cohen (Lobbyist) (State Employee) - Proponent

Department of Community Affairs

2555 Shumard Oaks Boulevard

Tallahassee FL 32399

Phone: 850-922-1732

Kari Hebrank (Lobbyist) - Proponent

FBMA, PGI Industries & Solutia, Inc.

7711 Deepwood Trail

Tallahassee FL 32317

Phone: 850-566-7824

Jim Richmond (Lobbyist) (State Employee) - Proponent

Florida Building Commission

2555 Shumard Oaks Boulevard

Tallahassee FL 32399

Phone: 850-922-1675

Michael Boden - Proponent

FBMA

700 N Woodward Avenue

Tallahassee FL 34286

Phone: 941-685-1640

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No.1187

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

Council/Committee hearing bill: Local Government

Representative Murzin offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Notwithstanding subsection (3) of section 109
of chapter 2000-141, Laws of Florida, the Florida Building
Commission may update or modify the wind-design standard
applicable to construction in this state as adopted within the
Florida Building Code in accordance with the requirements of s.
553.73, Florida Statutes. The Florida Building Commission is
specifically authorized to identify within the Florida Building
Code those areas of the state from the eastern border of
Franklin County west to the Florida-Alabama line which are
subject to the windborne-debris requirements of the code. The
Florida Building Commission's initial designation of wind lines
for this region shall address the results of the study required
by section 39 of chapter 2005-147, Laws of Florida. The initial
designation of those areas after July 1, 2006, is subject to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 only the rule-adoption procedures of chapter 120, Florida
24 Statutes, notwithstanding the code-development procedures of
25 chapter 553, Florida Statutes. This section shall not take
26 effect for 6 months following the completion of rulemaking or
27 May 31, 2007, whichever occurs sooner. The provisions of
28 subsection (3) of section 109 of chapter 2000-141, Laws of
29 Florida, are expressly superseded.

30 Section 2. Subsection (10) of section 553.71, Florida
31 Statutes, is repealed.

32 Section 3. Subsection (6) of section 553.73, Florida
33 Statutes, is amended to read:

34 553.73 Florida Building Code.--

35 (6)(a) The commission, by rule adopted pursuant to ss.
36 120.536(1) and 120.54, shall update the Florida Building Code
37 every 3 years. When updating the Florida Building Code, the
38 commission shall select the most current version of the
39 International Building Code, the International Fuel Gas Code,
40 the International Mechanical Code, the International Plumbing
41 Code, and the International Residential Code, all of which are
42 adopted by the International Code Council, and the National
43 Electrical Code, which is adopted by the National Fire
44 Protection Association, to form the foundation codes of the
45 updated Florida Building Code, if the version has been adopted
46 by the applicable model code entity ~~International Code Council~~
47 and made available to the public at least 6 months prior to its
48 selection by the commission.

49 (b) Codes regarding noise contour lines shall be reviewed
50 annually, and the most current federal guidelines shall be
51 adopted.

52 (c) The commission may modify any portion of the
53 foundation codes only as needed to accommodate the specific

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

needs of this state, maintaining Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code. Standards or criteria referenced by the codes shall be incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments to the foundation codes which are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are Florida-specific amendments to the foundation codes is readily apparent.

(d) The commission shall further consider the commissior's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendmerts and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to modify the foundation codes to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Upon the conclusion of a triennial update to the Florida Building Code and notwithstanding other provisions of this subsection or subsection (3), the commission may address the issues identified in this subsection by amending the Florida Building Code, subject only to the rule-adoption procedures of chapter 120. Following the approval of any amendments to the Florida Building Code by the commission and publication on the commission's website, authorities having jurisdiction to enforce the Florida Building Code are authorized to enforce the amendments. The commission may approve only amendments that are needed to:

1. Address conflicts within the updated Florida Building Code;

2. Address conflicts between the updated Florida Building Code and the Florida Fire Prevention Code adopted pursuant to chapter 633;

3. Address the omission of Florida-specific amendments that were previously adopted in the Florida Building Code if the omission is not supported by a specific recommendation of a technical advisory committee or a particular action by the commission; or

4. Address unintended results from the integration of Florida-specific amendments that were previously adopted with the model code.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Section 4. Subsection (5) is added to section 553.775, Florida Statutes, to read:

553.775 Interpretations.--

(5) Notwithstanding other provisions of this section, the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code may not be interpreted by, and is not subject to review under, any of the procedures specified in this section. This subsection has no effect on the authority of the commission to waive the Florida Accessibility Code for Building Construction as provided in s. 553.512.

Section 5. Section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.--

(1) As used in this section, the term:

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure for which permitting by a local enforcement agency is required.

(c) "Building code inspection services" means those services described in s. 468.603(6) and (7) involving the review of building plans to determine compliance with applicable codes and those inspections required by law of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(d) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

145 section and who is licensed as an engineer under chapter 471 or
146 as an architect under chapter 481 or who holds a standard
147 certificate under part XII of chapter 468.

148 (e) "Local building official" means the individual within
149 the governing jurisdiction responsible for direct regulatory
150 administration or supervision of plans review, enforcement, and
151 inspection of any construction, erection, alteration,
152 demolition, or substantial improvement of, or addition to, any
153 structure for which permitting is required to indicate
154 compliance with applicable codes and includes any duly
155 authorized designee of such person.

156 (f) "Permit application" means a properly completed and
157 submitted application for the requested building or construction
158 permit, including:

- 159 1. The plans reviewed by the private provider.
- 160 2. The affidavit from the private provider required
161 pursuant to subsection (5).
- 162 3. Any applicable fees.
- 163 4. Any documents required by the local building official
164 to determine that the fee owner has secured all other government
165 approvals required by law.

166 (g) "Private provider" means a person licensed as an
167 engineer under chapter 471 or as an architect under chapter 481.
168 For purposes of performing inspections under this section for
169 additions and alterations that are limited to 1,000 square feet
170 or less to residential buildings, the term "private provider"
171 also includes a person who holds a standard certificate under
172 part XII of chapter 468.

173 (h) "Request for certificate of occupancy or certificate
174 of completion" means a properly completed and executed
175 application for:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

176 1. A certificate of occupancy or certificate of
177 completion.

178 2. A certificate of compliance from the private provider
179 required pursuant to subsection (10).

180 3. Any applicable fees.

181 4. Any documents required by the local building official
182 to determine that the fee owner has secured all other government
183 approvals required by law.

184 (2) Notwithstanding any other provision of law or local
185 government ordinance or local policy, the fee owner of a
186 building or structure, or the fee owner's contractor upon
187 written authorization from the fee owner, may choose to use a
188 private provider to provide building code inspection services
189 with regard to such building or structure and may make payment
190 directly to the private provider for the provision of such
191 services. All such services shall be the subject of a written
192 contract between the private provider, or the private provider's
193 firm, and the fee owner. The fee owner may elect to use a
194 private provider to provide plans review or required building
195 inspections, or both. However, if the fee owner or the fee
196 owner's contractor uses a private provider to provide plans
197 review, the local building official, in his or her discretion
198 and pursuant to duly adopted policies of the local enforcement
199 agency, may require the fee owner or the fee owner's contractor
200 to use a private provider to also provide required building
201 inspections.

202 (3) A private provider and any duly authorized
203 representative may only perform building code inspection
204 services that are within the disciplines covered by that
205 person's licensure or certification under chapter 468, chapter
206 471, or chapter 481. A private provider may not provide building

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official at the time of permit application, or no less than 7 business days prior to the first scheduled inspection by the local building official or building code enforcement agency for a private provider performing required inspections of construction under this section, on a form to be adopted by the commission. This notice shall include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

238 extent specified in said law. Instead, plans review and/or
239 required building inspections will be performed by licensed or
240 certified personnel identified in the application. The law
241 requires minimum insurance requirements for such personnel, but
242 I understand that I may require more insurance to protect my
243 interests. By executing this form, I acknowledge that I have
244 made inquiry regarding the competence of the licensed or
245 certified personnel and the level of their insurance and am
246 satisfied that my interests are adequately protected. I agree to
247 indemnify, defend, and hold harmless the local government, the
248 local building official, and their building code enforcement
249 personnel from any and all claims arising from my use of these
250 licensed or certified personnel to perform building code
251 inspection services with respect to the building or structure
252 that is the subject of the enclosed permit application.

253
254 If the fee owner or the fee owner's contractor makes any
255 changes to the listed private providers or the services to be
256 provided by those private providers, the fee owner or the fee
257 owner's contractor shall, within 1 business day after any
258 change, update the notice to reflect such changes. In addition,
259 the fee owner or the fee owner's contractor shall post at the
260 project site, prior to the commencement of construction and
261 updated within 1 business day after any change, on a form to be
262 adopted by the commission, the name, firm, address, telephone
263 number, and facsimile number of each private provider who is
264 performing or will perform building code inspection services,
265 the type of service being performed, and similar information for
266 the primary contact of the private provider on the project.

267 (5) Once construction has commenced and the local building
268 official is unable to provide inspection services in a timely

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

269 | manner, the fee owner or the fee owner's contractor may elect to
270 | use a private provider to provide inspection services by
271 | notifying the local building official of their intention no less
272 | than 7 business days prior to the next scheduled inspection
273 | using the notice provided for in paragraphs (a)-(c) of
274 | subsection (4).

275 | ~~(6)~~(5) A private provider performing plans review under
276 | this section shall review construction plans to determine
277 | compliance with the applicable codes. Upon determining that the
278 | plans reviewed comply with the applicable codes, the private
279 | provider shall prepare an affidavit or affidavits on a form
280 | adopted by the commission certifying, under oath, that the
281 | following is true and correct to the best of the private
282 | provider's knowledge and belief:

283 | (a) The plans were reviewed by the affiant, who is duly
284 | authorized to perform plans review pursuant to this section and
285 | holds the appropriate license or certificate.

286 | (b) The plans comply with the applicable codes.

287 | ~~(7)~~(6)(a) No more than 30 business days after receipt of a
288 | permit application and the affidavit from the private provider
289 | required pursuant to subsection (5), the local building official
290 | shall issue the requested permit or provide a written notice to
291 | the permit applicant identifying the specific plan features that
292 | do not comply with the applicable codes, as well as the specific
293 | code chapters and sections. If the local building official does
294 | not provide a written notice of the plan deficiencies within the
295 | prescribed 30-day period, the permit application shall be deemed
296 | approved as a matter of law, and the permit shall be issued by
297 | the local building official on the next business day.

298 | (b) If the local building official provides a written
299 | notice of plan deficiencies to the permit applicant within the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

300 prescribed 30-day period, the 30-day period shall be tolled
301 pending resolution of the matter. To resolve the plan
302 deficiencies, the permit applicant may elect to dispute the
303 deficiencies pursuant to subsection (12) or to submit revisions
304 to correct the deficiencies.

305 (c) If the permit applicant submits revisions, the local
306 building official has the remainder of the tolled 30-day period
307 plus 5 business days to issue the requested permit or to provide
308 a second written notice to the permit applicant stating which of
309 the previously identified plan features remain in noncompliance
310 with the applicable codes, with specific reference to the
311 relevant code chapters and sections. If the local building
312 official does not provide the second written notice within the
313 prescribed time period, the permit shall be issued by the local
314 building official on the next business day.

315 (d) If the local building official provides a second
316 written notice of plan deficiencies to the permit applicant
317 within the prescribed time period, the permit applicant may
318 elect to dispute the deficiencies pursuant to subsection (12) or
319 to submit additional revisions to correct the deficiencies. For
320 all revisions submitted after the first revision, the local
321 building official has an additional 5 business days to issue the
322 requested permit or to provide a written notice to the permit
323 applicant stating which of the previously identified plan
324 features remain in noncompliance with the applicable codes, with
325 specific reference to the relevant code chapters and sections.

326 ~~(8)(7)~~ A private provider performing required inspections
327 under this section shall inspect each phase of construction as
328 required by the applicable codes. The private provider shall be
329 permitted to send a duly authorized representative to the
330 building site to perform the required inspections, provided all

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

331 required reports and certifications are prepared by and bear the
332 signature of the private provider. The duly authorized
333 representative must be an employee of the private provider
334 entitled to receive unemployment compensation benefits under
335 chapter 443. The contractor's contractual or legal obligations
336 are not relieved by any action of the private provider.

337 ~~(9)~~⁽⁸⁾ A private provider performing required inspections
338 under this section shall provide notice to the local building
339 official of the date and approximate time of any such inspection
340 no later than the prior business day by 2 p.m. local time or by
341 any later time permitted by the local building official in that
342 jurisdiction. The local building official may visit the
343 building site as often as necessary to verify that the private
344 provider is performing all required inspections.

345 ~~(10)~~⁽⁹⁾ Upon completing the required inspections at each
346 applicable phase of construction, the private provider shall
347 record such inspections on a form acceptable to the local
348 building official. These inspection records shall reflect those
349 inspections required by the applicable codes of each phase of
350 construction for which permitting by a local enforcement agency
351 is required. The private provider, before leaving the project
352 site, shall post each completed inspection record, indicating
353 pass or fail, at the site and provide the record to the local
354 building official within 2 business days. The local building
355 official may waive the requirement to provide a record of each
356 inspection within 2 business days if the record is posted at the
357 project site and all such inspection records are submitted with
358 the certificate of compliance. Records of all required and
359 completed inspections shall be maintained at the building site
360 at all times and made available for review by the local building
361 official. The private provider shall report to the local

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

362 enforcement agency any condition that poses an immediate threat
363 to public safety and welfare.

364 ~~(11)-(10)~~ Upon completion of all required inspections, the
365 private provider shall prepare a certificate of compliance, on a
366 form acceptable to the local building official, summarizing the
367 inspections performed and including a written representation,
368 under oath, that the stated inspections have been performed and
369 that, to the best of the private provider's knowledge and
370 belief, the building construction inspected complies with the
371 approved plans and applicable codes. The statement required of
372 the private provider shall be substantially in the following
373 form:

374 To the best of my knowledge and belief, the building components
375 and site improvements outlined herein and inspected under my
376 authority have been completed in conformance with the approved
377 plans and the applicable codes.

378 ~~(12)-(11)~~ No more than 2 business days after receipt of a
379 request for a certificate of occupancy or certificate of
380 completion and the applicant's presentation of a certificate of
381 compliance and approval of all other government approvals
382 required by law, the local building official shall issue the
383 certificate of occupancy or certificate of completion or provide
384 a notice to the applicant identifying the specific deficiencies,
385 as well as the specific code chapters and sections. If the local
386 building official does not provide notice of the deficiencies
387 within the prescribed 2-day period, the request for a
388 certificate of occupancy or certificate of completion shall be
389 deemed granted and the certificate of occupancy or certificate
390 of completion shall be issued by the local building official on
391 the next business day. To resolve any identified deficiencies,
392 the applicant may elect to dispute the deficiencies pursuant to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

393 subsection (12) or to submit a corrected request for a
394 certificate of occupancy or certificate of completion.

395 (13)~~(12)~~ If the local building official determines that
396 the building construction or plans do not comply with the
397 applicable codes, the official may deny the permit or request
398 for a certificate of occupancy or certificate of completion, as
399 appropriate, or may issue a stop-work order for the project or
400 any portion thereof as provided by law, if the official
401 determines that such noncompliance poses a threat to public
402 safety and welfare, subject to the following:

403 (a) The local building official shall be available to meet
404 with the private provider within 2 business days to resolve any
405 dispute after issuing a stop-work order or providing notice to
406 the applicant denying a permit or request for a certificate of
407 occupancy or certificate of completion.

408 (b) If the local building official and private provider
409 are unable to resolve the dispute, the matter shall be referred
410 to the local enforcement agency's board of appeals, if one
411 exists, which shall consider the matter at its next scheduled
412 meeting or sooner. Any decisions by the local enforcement
413 agency's board of appeals, or local building official if there
414 is no board of appeals, may be appealed to the commission as
415 provided by this chapter.

416 (c) Notwithstanding any provision of this section, any
417 decisions regarding the issuance of a building permit,
418 certificate of occupancy, or certificate of completion may be
419 reviewed by the local enforcement agency's board of appeals, if
420 one exists. Any decision by the local enforcement agency's board
421 of appeals, or local building official if there is no board of
422 appeals, may be appealed to the commission as provided by this

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

chapter, which shall consider the matter at the commission's next scheduled meeting.

~~(14)~~~~(13)~~ For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the facsimile number listed for that person or entity in the permit application or revised permit application, or, if no facsimile number is stated, when actually received by that person or entity.

~~(15)~~~~(14)~~ (a) No local enforcement agency, local building official, or local government may adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government may establish, for private providers and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(g) and the insurance requirements of subsection (15).

(c) Nothing in this section limits the authority of the local building official to issue a stop-work order for a building project or any portion of such order, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

~~(16)~~~~(15)~~ A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of \$1 million per occurrence and \$2 million in the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

454 aggregate for any project with a construction cost of \$5 million
455 or less and \$2 million per occurrence and \$4 million in the
456 aggregate for any project with a construction cost of over \$5
457 million. Nothing in this section limits the ability of a fee
458 owner to require additional insurance or higher policy limits.
459 For these purposes, the term "construction cost" means the total
460 cost of building construction as stated in the building permit
461 application. If the private provider chooses to secure claims-
462 made coverage to fulfill this requirement, the private provider
463 must also maintain coverage for a minimum of 5 years subsequent
464 to the performance of building code inspection services. The
465 insurance required under this subsection shall be written only
466 by insurers authorized to do business in this state with a
467 minimum A.M. Best's rating of A. Before providing building code
468 inspection services within a local building official's
469 jurisdiction, a private provider must provide to the local
470 building official a certificate of insurance evidencing that the
471 coverages required under this subsection are in force.

472 (17)~~(16)~~ When performing building code inspection
473 services, a private provider is subject to the disciplinary
474 guidelines of the applicable professional board with
475 jurisdiction over his or her license or certification under
476 chapter 468, chapter 471, or chapter 481. All private providers
477 shall be subject to the disciplinary guidelines of s.
478 468.621(1)(c)-(h). Any complaint processing, investigation, and
479 discipline that arise out of a private provider's performance of
480 building code inspection services shall be conducted by the
481 applicable professional board.

482 (18)~~(17)~~ Each local building code enforcement agency may
483 audit the performance of building code inspection services by
484 private providers operating within the local jurisdiction. Work

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection pursuant to subsection (8) and, subsequent to such inspection and approval, the work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

~~(19)(18)~~ The local government, the local building official, and their building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act.

Section 6. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to building codes; authorizing the Florida Building Commission to update and modify the standard for wind design; repealing s. 553.71(10), F.S., relating to a definition of the term "exposure category C"; amending s. 553.73, F.S.; revising the requirements for selecting codes to form the updated Florida Building Code; authorizing the Florida Building Commission to approve and publish amendments to the Florida Building Code under certain circumstances; authorizing certain authorities to enforce the amendments to the Florida Building Code; amending s. 553.775, F.S.; prohibiting certain procedures from being invoked to interpret the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code; amending s. 553.791, F.S.; providing for the use of private providers of building code inspection

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

516 | services following commencement of construction; providing
517 | an effective date.

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1189 : Pasco County

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1203 : St. Johns Water Control District, Indian River County

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1205 : Indian River Farms Water Control District, Indian River County

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1205

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

1 Council/Committee hearing bill: Local Government
2 Representative(s) *Robert* offered the following:
3

4 **Amendment**

5 Remove line(s) 415 - 417 and insert:
6 the provisions of chapter 298, Florida Statutes.
7
8

000000

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1207 : Indian River Mosquito Control District, Indian River County

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1219 : City of Tampa, Hillsborough County

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1253 : Broward County, Florida

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Dave Ericks (Lobbyist) - Proponent
Broward County Property Appraiser
205 S. Adams Street
Tallahassee FL 32301
Phone: 840-224-0880

Robert Wolfe (Lobbyist) - Proponent
Broward County Property Appraiser
115 S Andrews Avenue
Ft. Lauderdale FL 33301
Phone: 954-445-5732

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1299 : Areas of Critical State Concern

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Janet Bowman (Lobbyist) - Opponent

1000 Friends of Florida

926 E Park Avenue

Tallahassee FL 32311

Phone: 850-222-6277

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 1299**

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

Council/Committee hearing bill: Local Government Council
Representative(s) Sorensen offered the following:

Amendment

Remove line(s) 37-98 and insert:

125.0108 Areas of critical state concern; tourist impact
tax.--

(1)

(g) A county that has levied the tourist impact tax
authorized by this section in an area or areas designated as an
area of critical state concern for at least 20 consecutive years
prior to removal of the designation may continue to levy the
tourist impact tax in accordance with this section for 20 years
following removal of the designation. After expiration of the 20
year period, a county may continue to levy the tourist impact
tax authorized by this section if the county adopts an ordinance
reauthorizing levy of the tax and the continued levy of the tax
is approved by referendum as provided for in subsection (5).

Section 2. Paragraph (f) of subsection (2) of section
212.055, Florida Statutes, is amended to read:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 212.055 Discretionary sales surtaxes; legislative intent;
22 authorization and use of proceeds.--It is the legislative intent
23 that any authorization for imposition of a discretionary sales
24 surtax shall be published in the Florida Statutes as a
25 subsection of this section, irrespective of the duration of the
26 levy. Each enactment shall specify the types of counties
27 authorized to levy; the rate or rates which may be imposed; the
28 maximum length of time the surtax may be imposed, if any; the
29 procedure which must be followed to secure voter approval, if
30 required; the purpose for which the proceeds may be expended;
31 and such other requirements as the Legislature may provide.
32 Taxable transactions and administrative procedures shall be as
33 provided in s. 212.054.

34 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

35 (f)1. Notwithstanding paragraph (d), a county that has a
36 population of 50,000 or less on April 1, 1992, or any county
37 designated as an area of critical state concern on the effective
38 date of this act, and that imposed the surtax before July 1,
39 1992, may use the proceeds and interest of the surtax for any
40 public purpose if:

- 41 a. The debt service obligations for any year are met;
42 b. The county's comprehensive plan has been determined to
43 be in compliance with part II of chapter 163; and
44 c. The county has adopted an amendment to the surtax
45 ordinance pursuant to the procedure provided in s. 125.66
46 authorizing additional uses of the surtax proceeds and interest.

47 2. A municipality located within a county that has a
48 population of 50,000 or less on April 1, 1992, or within a
49 county designated as an area of critical state concern on the
50 effective date of this act, and that imposed the surtax before

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

51 July 1, 1992, may not use the proceeds and interest of the
52 surtax for any purpose other than an infrastructure purpose
53 authorized in paragraph (d) unless the municipality's
54 comprehensive plan has been determined to be in compliance with
55 part II of chapter 163 and the municipality has adopted an
56 amendment to its surtax ordinance or resolution pursuant to the
57 procedure provided in s. 166.041 authorizing additional uses of
58 the surtax proceeds and interest. Such municipality may expend
59 the surtax proceeds and interest for any public purpose
60 authorized in the amendment.

61 3. Those counties designated as an area of critical state
62 concern which qualify to use the surtax for any public purpose
63 may use only up to 10 percent of the surtax proceeds for any
64 public purpose other than for infrastructure purposes authorized
65 by this section. A county that was designated as an area of
66 critical state concern for at least 20 consecutive years prior
67 to removal of the designation, and that qualified to use the
68 surtax for any public purpose at the time of the removal of the
69 designation, may continue to use up to 10 percent of the surtax
70 proceeds for any public purpose other than for infrastructure
71 purposes for 20 years following removal of the designation
72 notwithstanding (2)(a)2. After expiration of the 20 year
73 period, a county may continue to use up to 10 percent of the
74 surtax proceeds for any public purpose other than for
75 infrastructure if the county adopts an ordinance providing for
76 such continued use of the surtax proceeds.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 1299**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Local Government Council
Representative(s) Sorensen offered the following:

Amendment (with title amendment)

Remove line(s) 167-179 and insert:

(d) The determination of the Administration Commission as to whether substantial progress has been made toward accomplishing the tasks of the work program may be judicially reviewed pursuant to chapter 86. All proceedings shall be conducted in the circuit court where the Administration Commission maintains its headquarters, and shall be initiated within 30 days after rendition of the Administration Commission determination. The Administration Commission's determination as to whether substantial progress has been made toward accomplishing the tasks of the work program shall be upheld if it is fairly debatable and shall not be subject to administrative review under chapter 120.

(e) After removal of the designation as an area of critical state concern, the state land planning agency shall review proposed local comprehensive plans, and any amendments to existing comprehensive plans, which are applicable to the

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Florida Keys Area, the boundaries of which were described in chapter 28-29, Florida Administrative Code, as of January 1, 2006, for compliance with subparagraphs 1. and 2. in addition to reviewing proposed local comprehensive plans and amendments for compliance as defined in s. 163.3184. All procedures and penalties described in s. 163.3184 shall be applicable to the review conducted pursuant to this paragraph.

1. Adoption of construction schedules for wastewater facilities improvements in the annually adopted Capital Improvements Element and adoption of standards for the construction of wastewater treatment facilities that meet or exceed the criteria of Chapter 99-395, Laws of Florida.

2. Adoption of goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. The state

===== T I T L E A M E N D M E N T =====

Remove line 16 and insert:

determinations; requiring review of proposed comprehensive plans and amendments to existing plans after removal of designation and providing review criteria; amending s. 380.0666, F.S.; revising the

000000

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1303 : Hardee County Economic Development Authority, Hardee County

☒ X

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1335 : Monroe County

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1357 : Growth Management

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

John W. Smith (Lobbyist) - Proponent

Florida League of Cities

301 S Bronough Street

Tallahassee FL 32301

Phone: 850-222-9684

Sarah Bleakley (Lobbyist) - Proponent

Florida Association of Counties

1500 Mahan

Tallahassee FL 32301

Phone: 850-508-5816

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1567 : Eminent Domain

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Wade Hopping (Lobbyist) - Proponent
Property Rights Coalition
710 N Ride Road
Tallahassee FL 32303
Phone: 850-222-7500

Kraig Conn (Lobbyist) - Opponent
Florida League of Cities
301 S Bronough Street
Tallahassee FL 32301
Phone: 850-222-9684

Bob Healey - Opponent
Rivera Beach CRA Revitalization Project
12440 Sunnydale Drive
Wellington FL 561-790-93

David Sigerson (Lobbyist) - Opponent
Florida Redevelopment Association
2410 Van Buren Street
Hollywood FL 33020
Phone: 954-336-3544

Ginger Delegal (Lobbyist) - Opponent
Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32301
Phone: 850-922-4300

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 1567**

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

Council/Committee hearing bill: Local Government Council
Representative(s) Cannon and Robaina offered the following:

Amendment

Remove everything after the enacting clause and insert:

Section 1. Section 73.013, Florida Statutes, is created to
read:

73.013 Conveyance of property taken by eminent domain.--

(1) Notwithstanding any other provision of law, including
any charter provision, ordinance, statute, or special law, if
the state, any political subdivision as defined in s. 1.01(8),
or any other entity to which the power of eminent domain is
delegated files a petition of taking on or after July 1, 2006,
regarding a parcel of real property in this state, ownership or
control of property acquired pursuant to such petition may not
be conveyed by the condemning authority or any other entity to a
natural person or private entity, except that ownership or
control of property acquired pursuant to such petition may be
conveyed to:

(a) A natural person or private entity for use in
providing common carrier services or systems;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 (b) A natural person or private entity for use as a road
23 or other right-of-way or means open to the public for
24 transportation, whether at no charge or by toll;

25 (c) A natural person or private entity that is a public or
26 private utility for use in providing electricity services or
27 systems, natural or manufactured gas services or systems, water
28 and wastewater services or systems, stormwater or runoff
29 services or systems, sewer services or systems, pipeline
30 facilities, telephone services or systems, or similar services
31 or systems;

32 (d) A natural person or private entity for use in
33 providing public infrastructure;

34 (e) A natural person or private entity that occupies,
35 pursuant to a lease, an incidental part of a public property or
36 a public facility for the purpose of providing goods or services
37 to the public;

38 (f) A natural person or private entity if the property was
39 owned and controlled by the condemning authority or a
40 governmental entity for at least 5 years after the condemning
41 authority acquired title to the property; or

42 (g) A natural person or private entity in accordance with
43 subsection (2).

44 (2) If ownership of property is conveyed to a natural
45 person or private entity pursuant to paragraph (1)(a), (b), (c),
46 (d), or (e), and that natural person or private entity retains
47 ownership and control of the property for at least 5 years after
48 acquiring title, the property may subsequently be transferred,
49 after public notice and competitive bidding unless otherwise
50 provided by general law, to another natural person or private
51 entity without restriction.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

52 Section 2. Subsection (3) of section 163.335, Florida
53 Statutes, is amended, and subsection (7) is added to that
54 section, to read:

55 163.335 Findings and declarations of necessity.--

56 (3) It is further found and declared that the powers
57 conferred by this part are for public uses and purposes for
58 which public money may be expended, the police power exercised,
59 and the power of eminent domain exercised subject to the
60 limitations in s. 163.375 and the power of eminent domain and
61 police power exercised, and the necessity in the public interest
62 for the provisions herein enacted is hereby declared as a matter
63 of legislative determination.

64 (7) It is further found that the prevention or elimination
65 of a "slum area" or "blighted area" as defined in this part and
66 the preservation or enhancement of the tax base are not public
67 uses or purposes for which private property may be taken by
68 eminent domain.

69 Section 3. Section 163.355, Florida Statutes, is amended
70 to read:

71 163.355 Finding of necessity by county or municipality.--

72 (1) No county or municipality shall exercise the community
73 redevelopment authority conferred by this part until after the
74 governing body has adopted a resolution, supported by data and
75 analysis, which makes a legislative finding that the conditions
76 in the area meet the criteria described in s. 163.340(7) or (8).
77 The resolution must state that:

78 (a) ~~(1)~~ One or more slum or blighted areas, or one or more
79 areas in which there is a shortage of housing affordable to
80 residents of low or moderate income, including the elderly,
81 exist in such county or municipality; and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

82 ~~(b)(2)~~ The rehabilitation, conservation, or redevelopment,
83 or a combination thereof, of such area or areas, including, if
84 appropriate, the development of housing which residents of low
85 or moderate income, including the elderly, can afford, is
86 necessary in the interest of the public health, safety, morals,
87 or welfare of the residents of such county or municipality.

88 (2) A resolution finding slum or blight conditions must
89 indicate that property within the community redevelopment area
90 may be subject to taking by eminent domain pursuant to s.
91 163.375. In the alternative, the county or municipality may
92 explicitly state in the resolution that the power of eminent
93 domain provided under s. 163.375 will not be exercised by the
94 county or municipality within the community redevelopment area.
95 A county or municipality is not required to provide notice in
96 accordance with subsections (3) and (4) if the resolution
97 finding slum or blight conditions, as proposed and adopted by
98 the county or municipality, expressly declares that the power of
99 eminent domain provided under s. 163.375 will not be exercised
100 by the county or municipality within the community redevelopment
101 area.

102 (3) At least 30 days prior to the first public hearing at
103 which a proposed resolution finding slum or blight conditions
104 will be considered by a county or municipality, actual notice of
105 the public hearing must be mailed via first class mail to each
106 real property owner whose property may be included within the
107 community redevelopment area and to each business owner,
108 including a lessee, who operates a business located on property
109 that may be included within the community redevelopment area.

110 (a) Notice must be sent to each owner of real property
111 that may be included within the community redevelopment area at
112 the owner's last known address as listed on the county ad

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

113 valorem tax roll. Alternatively, the notice may be personally
114 delivered to a property owner. If there is more than one owner
115 of a property, notice to one owner constitutes notice to all
116 owners of the property. The return of the notice as
117 undeliverable by the postal authorities constitutes compliance
118 with this subsection. The condemning authority is not required
119 to give notice to a person who acquires title to property after
120 the notice required by this subsection has been given.

121 (b) Notice must be sent to the address of the registered
122 agent for the business located on the property or, if no agent
123 is registered, by certified mail or personal delivery to the
124 address of the business located on the property. Notice to one
125 owner of a multiple ownership business constitutes notice to all
126 owners of that business. The return of the notice as
127 undeliverable by the postal authorities constitutes compliance
128 with this subsection. The condemning authority is not required
129 to give notice to a person who acquires an interest in a
130 business after the notice required by this subsection has been
131 given.

132 (c) At a minimum, the mailed notice required by paragraphs
133 (a) and (b) must:

134 1. Generally explain the purpose, effect, and substance of
135 the proposed resolution;

136 2. Indicate that private property within the proposed
137 redevelopment area may be subject to taking by eminent domain if
138 the current condition of the property poses an existing threat
139 to the public health or public safety that is likely to continue
140 absent the exercise of eminent domain;

141 3. Indicate that private-to-private transfers of property
142 may occur;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

143 4. Contain a geographic location map that clearly
144 indicates the area covered by the resolution, including major
145 street names as a means of identification of the general area;

146 5. Provide the dates, times, and locations of future
147 public hearings during which the resolution may be considered;

148 6. Identify the place or places within the county or
149 municipality at which the resolution may be inspected by the
150 public;

151 7. Indicate that the property owner may file written
152 objections with the local governing board prior to any public
153 hearing on the resolution; and

154 8. Indicate that interested parties may appear and be
155 heard at all public hearings at which the resolution will be
156 considered.

157 (4) In addition to mailing notice to property owners, the
158 county or municipality must conduct at least two advertised
159 public hearings prior to adoption of the proposed resolution. At
160 least one hearing must be held after 5 p.m. on a weekday, unless
161 the governing body, by a majority plus one vote, elects to
162 conduct the hearing at another time of day. The first public
163 hearing must be held at least 7 days after the day the first
164 advertisement is published. The second hearing must be held at
165 least 10 days after the first hearing and must be advertised at
166 least 5 days prior to the public hearing. The required
167 advertisements must be no less than 2 columns wide by 10 inches
168 long in a standard size or a tabloid size newspaper, and the
169 headline in the advertisement must be in a type no smaller than
170 18 point. The advertisement must not be placed in that portion
171 of the newspaper where legal notices and classified
172 advertisements appear and must be placed in a newspaper of
173 general paid circulation rather than one of limited subject

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

174 matter. Whenever possible, the advertisement must appear in a
175 newspaper that is published at least 5 days a week unless the
176 only newspaper in the community is published fewer than 5 days a
177 week. At a minimum, the advertisement must:

178 (a) Generally explain the substance and effect of the
179 resolution;

180 (b) Include a statement indicating that private property
181 within the proposed redevelopment area may be subject to taking
182 by eminent domain if the current condition of the property poses
183 an existing threat to the public health or public safety that is
184 likely to continue absent the exercise of eminent domain;

185 (c) Provide the date, time, and location of the meeting;

186 (d) Identify the place or places within the county or
187 municipality at which the resolution may be inspected by the
188 public;

189 (e) Contain a geographic location map that clearly
190 indicates the area covered by the resolution, including major
191 street names as a means of identification of the general area;

192 (f) Indicate that any interested party may file written
193 objections with the local governing board prior to the public
194 hearing; and

195 (g) Indicate that any interested party may appear and be
196 heard at the public hearing.

197 Section 4. Subsection (6) is added to section 163.358,
198 Florida Statutes, to read:

199 163.358 Exercise of powers in carrying out community
200 redevelopment and related activities.--The community
201 redevelopment powers assigned to a community redevelopment
202 agency created under s. 163.356 include all the powers necessary
203 or convenient to carry out and effectuate the purposes and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

provisions of this part, except the following, which continue to vest in the governing body of the county or municipality:

(6) The power of eminent domain.

Section 5. Paragraph (d) is added to subsection (2) of section 163.360, Florida Statutes, to read:

163.360 Community redevelopment plans.--

(2) The community redevelopment plan shall:

(d) Indicate that real property within the community redevelopment area may be subject to taking by eminent domain pursuant to s. 163.375. If consistent with the resolution finding slum or blight conditions, the plan must indicate that the power of eminent domain provided under s. 163.375 will not be exercised by the county or municipality within the community redevelopment area.

Section 6. Paragraph (o) of subsection (1) and paragraph (a) of subsection (3) of section 163.370, Florida Statutes, are amended to read:

163.370 Powers; counties and municipalities; community redevelopment agencies.--

(1) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(o) To exercise all or any part or combination of powers herein granted or to elect to have such powers exercised by a community redevelopment agency; however, the power of eminent domain shall not be exercised by a community redevelopment agency.

(3) With the approval of the governing body, a community redevelopment agency may:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

34 (a) Prior to approval of a community redevelopment plan or
235 approval of any modifications of the plan, acquire real property
236 in a community redevelopment area by purchase, lease, option,
237 gift, grant, bequest, devise, or other voluntary method of
238 acquisition, demolish and remove any structures on the property,
239 and pay all costs related to the acquisition, demolition, or
240 removal, including any administrative or relocation expenses.

241 Section 7. Section 163.375, Florida Statutes, is amended
242 to read:

243 163.375 Eminent domain.--

244 (1) After the community redevelopment plan is adopted, a
245 county or municipality may acquire by eminent domain any
246 interest in a parcel of real property within a community
247 redevelopment area, including a fee simple title thereto, for
248 the purpose of eliminating an existing threat to public health
249 or public safety if the parcel of real property is condemnation
250 eligible as defined in subsection(2). A county or municipality
251 shall exercise the power of eminent domain in the manner
252 provided in this section and in chapters 73 and 74, or pursuant
253 to the power of eminent domain provided by any other statutory
254 provision, as limited by s. 73.013. Real property belonging to
255 the United States, the state, or any political subdivision of
256 the state may not be acquired without its consent. Any county or
257 municipality, or any community redevelopment agency pursuant to
258 specific approval of the governing body of the county or
259 municipality which established the agency, as provided by any
260 county or municipal ordinance has the right to acquire by
261 condemnation any interest in real property, including a fee
262 simple title thereto, which it deems necessary for, or in
263 connection with, community redevelopment and related activities
264 under this part. Any county or municipality, or any community

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

265 ~~redevelopment agency pursuant to specific approval by the~~
266 ~~governing body of the county or municipality which established~~
267 ~~the agency, as provided by any county or municipal ordinance may~~
268 ~~exercise the power of eminent domain in the manner provided in~~
269 ~~chapters 73 and 74 and acts amendatory thereof or supplementary~~
270 ~~thereto, or it may exercise the power of eminent domain in the~~
271 ~~manner now or which may be hereafter provided by any other~~
272 ~~statutory provision for the exercise of the power of eminent~~
273 ~~domain. Property in unincorporated enclaves surrounded by the~~
274 ~~boundaries of a community redevelopment area may be acquired~~
275 ~~when it is determined necessary by the agency to accomplish the~~
276 ~~community redevelopment plan. Property already devoted to a~~
277 ~~public use may be acquired in like manner. However, no real~~
278 ~~property belonging to the United States, the state, or any~~
279 ~~political subdivision of the state may be acquired without its~~
280 ~~consent.~~

281 (2) Private property is condemnation-eligible if the
282 current condition of the property poses an existing threat to
283 public health or public safety that is likely to continue absent
284 the exercise of eminent domain as evidenced by at least one of
285 the following factors:

286 (a) The property contains a structure which, in its
287 current condition, has substantial dilapidation which is either
288 physically incurable or economically incurable in that the cost
289 of repair of rehabilitation would exceed the replacement cost of
290 a new structure. Superficial or cosmetic disrepair, which is
291 reparable by a nominal expenditure, not to exceed 20% of the
292 market value of the existing structure, shall not constitute
293 dilapidation for purposes of constituting a condemnation-
294 eligible factor;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

295 (b) The property contains a structure which, in its
296 current condition, is unsanitary, unsafe, or vermin-infested,
297 and is designated by the agency responsible for enforcement of
298 the housing, building, or fire codes as unfit for human
299 habitation or use;

300 (c) The property contains a structure which, in its current
301 condition, is a fire hazard, or otherwise dangerous to the
302 safety of persons or property, and is designated by the agency
303 responsible for enforcement of the housing, building, or fire
304 codes as unfit for human habitation or use;

305 (d) The property contains a structure from which, in its
306 current condition, the utilities, plumbing, heating, sewerage,
307 or other facilities have been disconnected, destroyed, removed,
308 or rendered ineffective so that the property is unfit for human
309 habitation or use; or

310 (e) The physical condition, use, or occupancy of the
311 property constitutes a public nuisance and the property has been
312 the subject of code violations affecting public health or public
313 safety that have not been substantially rehabilitated within one
314 year of receipt of notice to rehabilitate from the appropriate
315 code enforcement agency.

316 (3) A county or municipality may not initiate an eminent
317 domain proceeding pursuant to authority conferred by this
318 section unless the governing body first adopts a resolution of
319 taking containing specific determinations or findings that:

320 (a) The public purpose of the taking is to eliminate an
321 existing threat to public health or public safety that is likely
322 to continue absent the exercise of eminent domain;

323 (b) The parcel of real property is condemnation eligible
324 as defined in subsection (2), including a specific description
325 of the current conditions on the property that pose an existing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

326 threat to public health or public safety that is likely to
327 continue absent the exercise of eminent domain; and

328 (c) Taking the property by eminent domain is reasonably
329 necessary in order to accomplish the public purpose of
330 eliminating an existing threat to public health or public safety
331 that is likely to continue absent the exercise of eminent
332 domain.

333 (4) The county or municipality may not adopt a resolution
334 of taking under this section unless actual notice of the public
335 hearing at which the resolution is considered was provided, at
336 least 45 days prior to the hearing, to the property owner and to
337 any business owner, including a lessee, who operates a business
338 located on the property.

339 (a) Notice must be sent by certified mail, return receipt
340 requested, to the last known address listed on the county ad
341 valorem tax roll of each owner of the property. Alternatively,
342 the notice may be personally delivered to each property owner.
343 Compliance with s. 163.375(4) shall also require conspicuous
344 posting of the notice to the premises of the property to be
345 acquired. The posted notice shall prominently and legibly
346 display the information provided in s. 163.375(4)(c). The
347 condemning authority is not required to give notice to a person
348 who acquires title to the property after the notice required by
349 this subsection has been given.

350 (b) Notice must be sent by certified mail, return receipt
351 requested, to the address of the registered agent for the
352 business located on the property to be acquired or, if no agent
353 is registered, by certified mail or personal delivery to the
354 address of the business located on the property to be acquired.
355 Notice to one owner of a multiple ownership business constitutes
356 notice to all business owners of that business. Compliance with

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

57 s. 163.375(4) shall also require conspicuous posting of the
358 notice to the premises of the property to be acquired. The
359 posted notice shall prominently and legibly display the
360 information provided in s. 163.375(4)(c). The condemning
361 authority is not required to give notice to a person who
362 acquires an interest in the business after the notice required
363 by this subsection has been given.

364 (c) At a minimum, the notices required by paragraphs (a)
365 and (b) shall indicate:

366 1. That the county or municipal governing body will
367 determine whether to take the parcel of real property pursuant
368 to authority granted by this part and will formally consider a
369 resolution of taking at a public hearing;

370 2. That the property is subject to taking by eminent
371 domain under this part because current conditions on the
372 property pose an existing threat to public health or public
373 safety that is likely to continue absent the exercise of eminent
374 domain;

375 3. The specific conditions on the property that pose an
376 existing threat to public health or public safety and form the
377 basis for taking the property;

378 4. That the property will not be subject to taking if the
379 specific conditions that pose an existing threat to public
380 health or public safety and form the basis for the taking are
381 removed prior to the public hearing at which the resolution will
382 be considered by the governing body;

383 5. The date, time, and location of the public hearing at
384 which the resolution of taking will be considered;

385 6. That the property owner or business owner may file
386 written objections with the governing board prior to the public
387 hearing at which the resolution of taking is considered; and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

388 7. That any interested party may appear and be heard at
389 the public hearing at which the resolution of taking is
390 considered.

391 (5) (a) In accordance with chapters 73 and 74, if a
392 property owner challenges an attempt to acquire his or her
393 property by eminent domain under this section, the condemning
394 authority must prove by clear and convincing evidence in an
395 evidentiary hearing before the circuit court that:

396 1. The public purpose of the taking is to eliminate an
397 existing threat to public health or public safety that is likely
398 to continue absent the exercise of eminent domain;

399 2. The property is condemnation eligible as defined in
400 subsection (2); and

401 3. Taking the property by eminent domain is reasonably
402 necessary in order to accomplish the public purpose of
403 eliminating an existing threat to public health or public safety
404 that is likely to continue absent the exercise of eminent
405 domain.

406 (b) The circuit court shall determine whether the public
407 purpose of the taking is to eliminate an existing threat to
408 public health or public safety that is likely to continue absent
409 the exercise of eminent domain, whether the property is
410 condemnation eligible as defined in subsection (2), and whether
411 taking the property is reasonably necessary in order to
412 accomplish the public purpose of eliminating an existing threat
413 to public health or public safety that is likely to continue
414 absent the exercise of eminent domain. The circuit court shall
415 make these determinations without attaching a presumption of
416 correctness or extending judicial deference to any
417 determinations or findings in the resolution of taking adopted
418 by the condemning authority.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

419 ~~(6)~~+2+ In any proceeding to fix or assess compensation for
420 damages for the taking of property, or any interest therein,
421 through the exercise of the power of eminent domain or
422 condemnation, evidence or testimony bearing upon the following
423 matters shall be admissible and shall be considered in fixing
424 such compensation or damages in addition to evidence or
425 testimony otherwise admissible:

426 (a) Any use, condition, occupancy, or operation of such
427 property, which is unlawful or violative of, or subject to
428 elimination, abatement, prohibition, or correction under, any
429 law, ordinance, or regulatory measure of the state, county,
430 municipality, or other political subdivision, or any agency
431 thereof, in which such property is located, as being unsafe,
432 substandard, unsanitary, or otherwise contrary to the public
433 health, safety, morals, or welfare.

434 (b) The effect on the value of such property of any such
435 use, condition, occupancy, or operation or of the elimination,
436 abatement, prohibition, or correction of any such use,
437 condition, occupancy, or operation.

438 ~~(7)~~+3+ In any proceeding to fix or assess compensation for
439 damages for the taking of property, or any interest therein, the
440 foregoing testimony and evidence shall be admissible
441 notwithstanding that no action has been taken by any public body
442 or public officer toward the abatement, prohibition,
443 elimination, or correction of any such use, condition,
444 occupancy, or operation. Testimony or evidence that any public
445 body or public officer charged with the duty or authority so to
446 do has rendered, made, or issued any judgment, decree,
447 determination, or order for the abatement, prohibition,
448 elimination, or correction of any such use, condition,
449 occupancy, or operation shall be admissible and shall be prima

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

facie evidence of the existence and character of such use,
condition, or operation.

Section 8. Subsection (3) is added to section 127.01,
Florida Statutes, to read:

127.01 Counties delegated power of eminent domain;
recreational purposes, issue of necessity of taking.--

(3) Each county shall strictly comply with the limitations
set forth in s. 73.013.

Section 9. Section 127.02, Florida Statutes, is amended to
read:

127.02 County commissioners may authorize acquirement of
property by eminent domain.--The board of county commissioners
may, by resolution, authorize the acquirement by eminent domain
of property, real or personal, for any county use or purpose
designated in such resolution, subject to the limitations set
forth in s. 73.013.

Section 10. Subsection (3) is added to section 166.401,
Florida Statutes, to read:

166.401 Right of eminent domain.--

(3) Each municipality shall strictly comply with the
limitations set forth in s. 73.013.

Section 11. Subsections (1), (9), and (10) of section
166.411, Florida Statutes, are amended to read:

166.411 Eminent domain; uses or purposes.--Municipalities
are authorized to exercise the power of eminent domain for the
following uses or purposes:

(1) For the proper and efficient carrying into effect of
any proposed scheme or plan of drainage, ditching, grading,
filling, or other public improvement deemed necessary or
expedient for the preservation of the public health, or for
other good reason connected in anywise with the public welfare

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

481 or the interests of the municipality and the people thereof,
482 subject to the limitations set forth in s. 73.013;

483 (9) For laying wires and conduits underground; and

484 (10) For city buildings, waterworks, ponds, and other
485 municipal purposes which shall be coextensive with the powers of
486 the municipality exercising the right of eminent domain subject
487 to the limitations set forth in s. 73.013.~~and~~

488 Section 12. This act shall take effect July 1, 2006, and
489 shall apply to all condemnation proceedings in which a petition
490 of taking is filed pursuant to chapter 73, Florida Statutes, on
491 or after that date.
492

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HJR 1569 : Eminent Domain

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Kraig Conn (Lobbyist) - Opponent
Florida League of Cities
301 S Bronough Street
Tallahassee FL 32301
Phone: 850-222-9684

Ginger Delegal (Lobbyist) - Opponent
Florida Association of Counties
100 S Monroe Street
Tallahassee FL 32202
Phone: 850-922-4300

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1 (for drafter's use only)

Bill No. HJR 1569

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Local Government Council
Representative(s) Cannon and Robaina offered the following:

Amendment (with ballot statement amendment)

Remove line(s) 48-64 and insert:

(6) A natural person or private entity if the property was
owned and controlled by the condemning authority or a
governmental entity for at least 5 years after the condemning
authority acquired title to the property; or

(7) A natural person or private entity in accordance with
subsection (d).

(d) If ownership of property is conveyed to a natural
person or private entity pursuant to paragraph (c)(1), (2), (3),
(4), or (5), and that natural person or private entity retains
ownership and control of the property for at least 5 years after
acquiring title, the property may subsequently be transferred to
another natural person or private entity without restriction.

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove line(s) 94-109 and insert:

(6) A natural person or private entity if the property was
owned and controlled by the condemning authority or a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

governmental entity for at least 5 years after the condemning
authority acquired title to the property; or

(7) A natural person or private entity in accordance with
subsection (d).

(d) If ownership of property is conveyed to a natural
person or private entity pursuant to paragraph (c)(1), (2), (3),
(4), or (5), and that natural person or private entity retains
ownership and control of the property for at least 5 years after
acquiring title, the property may subsequently be transferred to
another natural person or private entity without restriction.

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HJR 1571 : Assessment of Newly Established Homestead Property after Eminent Domain Taking of Previous Homestead Property

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Mike Davis	X				
Terry Fields	X				
D. Alan Hays	X				
Matthew Meadows	X				
Julio Robaina	X				
Yolly Roberson	X				
Ken Sorensen (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Roger L. Wolfe - Proponent
Broward County Property Appraiser
115 S Andrews Avenue
Ft. Lauderdale FL 32301
Phone: 954-445-5732

Kraig Conn (Lobbyist) - Opponent
Florida League of Cities
301 S Bronough Street
Tallahassee FL 32301
Phone: 850-222-9684

Ginger Delegal (Lobbyist) - Opponent
Florida Association
100 S Monroe Street
Tallahassee FL 32301
Phone: 850-922-4300

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM

COUNCIL MEETING REPORT

Local Government Council

3/22/2006 1:00:00PM

Location: 404 HOB

HB 1609 : Collection of Delinquent Property Taxes

☒ *Temporarily Deferred*

Appearances:

Ken Mahaffey - Opponent
Florida Tax Collectors, Inc.
477 S Highway 17
East Palatka FL 32131
Phone: 386-329-0274

Charles Brantley (Lobbyist) - Opponent
Florida Tax Collectors
225 S Adams Street
Tallahassee FL 32301
Phone: 850-222-7206

Jess McCarty (Lobbyist) - Proponent
Miami-Dade County
111 NW 1st Street
Miami FL 33120
Phone: 305-375-1634

Glenna Hodge (Lobbyist) - Proponent
Cinebarger Goggan Blair & Sampson
P. O. Box 17428
Austin TX 78760
Phone: 512-799-2200

Committee meeting was reported out: Wednesday, March 22, 2006 6:34:11PM